



Australian Government

Department of Defence

Contract Template Selection and Tailoring Guide

Version 2.1

April 2016

Note to Defence Staff and External Agencies

Defence staff and external agencies intending to use the associated Australian Standard for Defence Contracts (ASDEFCON) templates will need to select and tailor the template(s) in order to meet their specific procurement requirements and should seek appropriate professional guidance as required.

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This publication should be attributed as the *Contract Template Selection and Tailoring Guide V2.1*.

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The terms under which the Coat of Arms can be used are detailed on the [It's an Honour](#) website.

Amendment Record

Version	Release Date	Description of Amendments
V1.0	2010	Upgrade from ASDEFCON Template Selection Guide
V2.0	2015	Revised for changes to ASDEFCON template suite and updated selection process
V2.1	2016	Minor update for organisational changes, new ALM template, new policy for the Commonwealth Contracting Suite and updated information on the Australian Government Building Code 2013

FOREWORD

In FY 2014-15 the Commonwealth procured goods and services worth \$59.4 billion through 69,236 contracts above \$10,000. Defence and DMO (now CASG) procurements accounted for approximately 52% of the value of these contracts.

During this period, the then DMO entered into contracts with a total combined value of \$11.9 billion in pursuit of its mission to provide safe, quality and fit-for-purpose equipment for use by the Australian Defence Force (ADF).

In order to maximise the return on its procurement investment, the Government expects that Defence will deliver and sustain required capabilities to high quality standards, at optimum cost and within agreed schedules, while matching the procurement process and contract templates to the level of risk and complexity in order to reduce the cost of tendering and contract management for both Defence and industry.

Selecting the right contract template is integral to Defence's success in achieving the above goals. The primary purpose of the Contract Template Selection and Tailoring Guide (the Guide) is to assist users to understand the range of Defence and Commonwealth contract templates available and the key issues which need to be considered when selecting and tailoring a template for the delivery of a procurement.

The basic principle of the Guide is that template selection is driven by the 'best fit' Statement of Work (SOW) for the procurement's scope of work. This is because the SOW details the work required to be done by both parties during the contract – any unnecessary work requirements will increase cost without a commensurate increase in value, while insufficient work requirements to manage technical risk may jeopardise outcomes, both resulting in reduced value for money.

This is not a single use document that should be read end-to-end. It is a practical document to be used as you go through the process of selecting and tailoring the most appropriate contract template. As guidance, it is intended to be applied in a flexible and common sense way – as particular circumstances and good judgement dictate. Suggestions for improvement are very welcome and can be sent to the ASDEFCON and Contracting Initiatives Help Desk: procurement.ASDEFCON@defence.gov.au.

Liesl O'Meara

First Assistant Secretary Commercial / General Counsel CASG

April 2016

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Introduction

Purpose

This *Contract Template Selection and Tailoring Guide* (the Guide) has been designed to provide guidance to personnel conducting procurements. The Guide is aimed at assisting with the selection of an appropriate contracting template and outlining the process for tailoring the selected template.

The Guide considers both Defence and Commonwealth contracting templates; however, its primary focus is on the suite of procurement templates managed and owned by the ASDEFCON and Contracting Initiatives (ACI) Directorate within the Commercial Division, CASG. Detailed descriptions for these templates are available in [Annex A](#), which includes the ASDEFCON suite of tendering and contracting templates, and the Resource & Output Management & Accounting Network (ROMAN) or Military Integrated Logistics Information System (MILIS) generated Forms AC565 and SP020. The ASDEFCON suite is a set of proforma documents for use by Defence procurement officers when drafting request documentation for the acquisition of goods and services. Information on other Defence and Commonwealth templates is included at [Step 4](#).

Applicability

This Guide assists with template selection and tailoring, however, accurately selecting and tailoring templates for Major Capital Equipment (MCE) and Minor Capital Equipment (MINCE) acquisitions and materiel support services, will require specialist technical assistance, financial and contracting advice, and greater consideration of individual environmental and risk factors. In these circumstances, the procurement delivery model, and the ASDEFCON template(s) to be used, will be documented in the Acquisition and Support Implementation Strategy (ASIS), Support Procurement Strategy (SPS), or a Delegate Submission (DS). Accordingly, the Guide should be read in conjunction with *Development and Management of the Acquisition and Support Implementation Strategy (ASIS)*, and the *Procurement Delivery Models Better Practice Guide*.

The Guide does not address the specific requirements applicable to acquisitions conducted via Foreign Military Sales, Direct Commercial Sales (DCS) through Defence Materiel (DEFMAT) in the UK, Defence Materiel (DEFMAT) in the US or cooperative agreements or other international agreements or arrangements.

Further, there is not necessarily a template available for all the different types of procurement delivery models; for example, Evolutionary Acquisition, Public Private Partnership and Project Alliancing will require specialist advisers to develop largely bespoke contract documentation, particularly commercial terms (although the ASDEFCON SOW should still generally provide a suitable base document for describing the scope of work).

Policy

Mandatory policy relating to the use of standard contracting templates for procurements is described in Defence Procurement Policy Manual (DPPM) chapter 2.3, *Standard Contracting Templates* and mandatory policy for CASG personnel on the tailoring of ASDEFCON templates is described in Functional Policy (Procurement) - Procurement Policy and Process Requirements from Planning to Contract Signature For Complex Procurement Involving Materiel Acquisition And/Or Support Requirements. In the Guide, the words “must”, “should” and “may” have the same meaning as in the Functional Policy (Procurement).

Getting Assistance

Due to the subjective nature of some of the criteria, risk factors and assessment of risk, the Guide cannot foreshadow all eventualities and relevant considerations in any given procurement. If, after using the Guide, there are any doubts regarding template selection and use, specialist advice should be sought.

CASG personnel should seek advice in the first instance from the relevant divisional Chief Contracting Officers from Materiel Procurement Branch (MPB). Defence personnel should seek advice from their relevant contracting areas for non-materiel procurements, including for Non-Materiel Procurement advice from Estate and Infrastructure Group (E&IG) and Information and Communications Technology (ICT) related advice from Chief Information Officer Group (CIOG).

Refer also to [Annex E](#) for on-line resources, training courses and points of contact for support in template selection and tailoring.

Structure

The Guide is divided into the following five Steps, with Step 1 beginning the overall selection process and leading to the subsequent steps for more precise template selection and tailoring:

- [Step 1](#) – separates procurement from disposal/transfer of asset and materiel procurement from non-materiel procurement;
- [Step 2](#) – identifies the likely template for a materiel procurement;
- [Step 3](#) – describes the steps for tailoring ASDEFCON templates;
- [Step 4](#) – describes the options for non-materiel procurements using ASDEFCON, other Defence and Commonwealth templates, and standing offers / panels; and
- [Step 5](#) – describes templates for the disposal or temporary transfer of Defence Assets.

Feedback

The ACI Directorate welcomes feedback and suggestions for improving this Guide. Feedback may be provided via e-mail to procurement.ASDEFCON@defence.gov.au.

Step 1 – Procurement vs. Disposal/Transfer, and Materiel and Non-Materiel Procurements

Prior to selecting a contracting template it is essential to understand the nature of the activity and the goods and/or services to be acquired. In dividing potential templates into groups, the first step in this Guide is to identify if the requirement relates to a procurement activity or to an agreement to hire, loan, sale or gift a Defence asset. For procurements, the next step is to determine if it is a materiel or a non-materiel procurement. These decision points are illustrated in Figure 1.

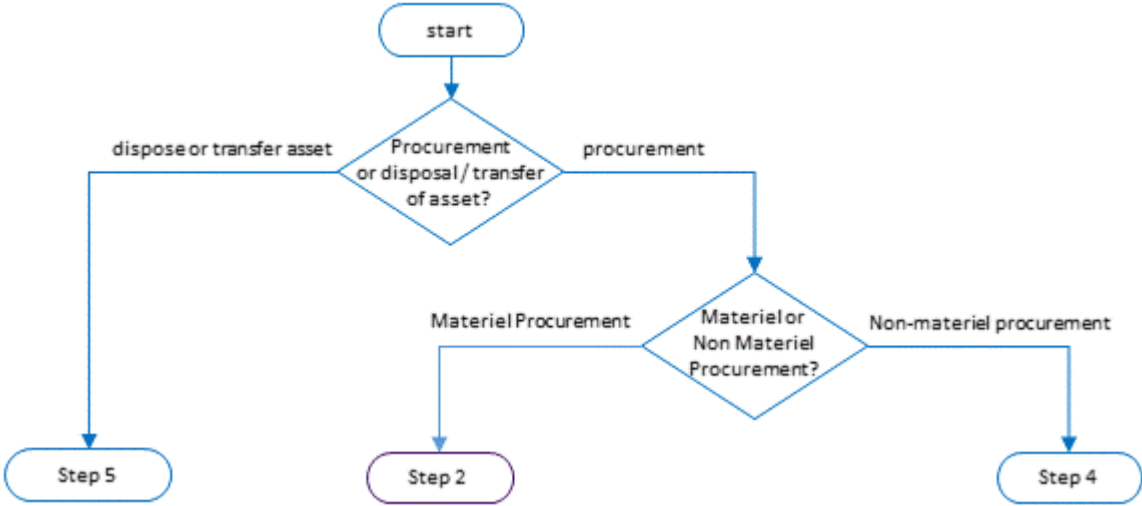


Figure 1: Initial Selection Process

Materiel procurements include goods and services for ‘military purposes’. ‘Goods’ include everything from major platforms, such as ships, vehicles and aircraft to consumables, such as oil, and nuts and bolts used on materiel systems. Services related to materiel include those services applied directly (‘physically’) to the materiel, such as maintenance and supply activities (‘Materiel Support Services’), and services that are otherwise ‘related’ to the materiel, such as reliability analysis, maintenance requirements determination or inventory requirements determination (‘Indirect Materiel Services’).

For the purposes of this Guide, non-materiel procurements include all other goods and services, such as infrastructure, commercial ICT goods and services, office supplies, domestic trade services, gardening, food, printing services, consultancy services not related to materiel systems, and so on.

After separating materiel and non-materiel procurements, Figure 1 leads to subsequent steps in this Guide. For materiel procurements, refer to [Step 2](#) and then tailor as described by [Step 3](#). For non-materiel procurements, refer to [Step 4](#). For the sale, gift, loan or hire of Defence assets, refer to [Step 5](#).

Step 2 – Materiel Acquisition and Support Procurements

ASDEFCON Objectives

As an outcome of the Defence Reform Program (2003) key objectives were defined for the DMO's (now CASG's) procurement activities. Although principles to achieve these objectives are included within the templates, selection of the appropriate template is also an important part of the process in achieving those objectives. The key objectives¹ are to provide a solution that:

- enable best value for money to be obtained;
- ensure sound governance and accountability;
- minimise overheads for Defence and Industry;
- promote schedule realism and effective schedule performance;
- encourage CASG and industry to adopt 'best practice';
- is more commercially oriented;
- improve consistency within and across contracts;
- encourage use of contractor standard processes; and
- achieve a sensible balance between technical, contractual and managerial risks.

Of these objectives, Objectives 1-3 and 9 are arguably the most relevant to ASDEFCON template selection and tailoring. Guiding principles were also defined for developing the templates, of which "*Guiding Principle #2*" is most relevant to template selection². This *Guiding Principle* states that it is the work requirement that drives template selection. The SOW captures the scope of work the contractor is to undertake and may include detailed specifications of products to be delivered. Essentially, the SOW captures the technical requirements and is therefore a significant driver of the complexity and overall risks of the procurement. By contrast, in simpler procurements a SOW is generally not required. Selecting a contract template should aim to achieve delivery of the required goods and services using the most efficient and effective means – avoiding unnecessary overheads in both process and cost.

The aim of the Guide is to help users identify the template that offers the most effective and efficient contracting solution that enables the required outcomes to be achieved, consistent with relevant policy and regulatory requirements (including with respect to the treatment of risk), for the lowest administrative cost.

The basic principle of the Guide, therefore, is that template selection is driven by the 'best fit' SOW for the procurement's scope of work. Any unnecessary work requirements will increase cost without a commensurate increase in value, while insufficient work requirements to manage technical risk may jeopardise outcomes, both resulting in reduced value for money.

Procurement Activities versus Contracts

In determining the overall contract architecture for materiel acquisition and support requirements, it is essential to determine the number of actual contracts and therefore procurements likely to be involved. In some cases it will be administratively efficient to bundle several related items under a single contract and run a single procurement process, in other cases it may be necessary or more cost-effective to use multiple contracts requiring potentially different processes, or it may be possible to rely on an existing contractual arrangement to procure some or all of the required goods or services.

As shown in Figure 2, one project may involve a main contract and the use of several other contracts or arrangements to cover the full scope of an acquisition program, and with each of these different contracts being based on a different template.

¹ Each objective is explained in detail in the ASDEFCON Philosophy Volume.

² Refer to the ASDEFCON Philosophy Volume for a full explanation.

For major acquisitions, and for subsequent support, the number and scope of each significant contract (ie, excluding individual SPO20s and shortform contracts) should be identified in the ASIS.

For further information on the ASIS and procurement models refer to:

- Development and Management of the Acquisition and Support Implementation Strategy (ASIS);
- Procedure for Detailed ASIS Development;
- Analysis of the Procurement and Contracting Perspective; and
- Better Practice Guide – Procurement Delivery Models.

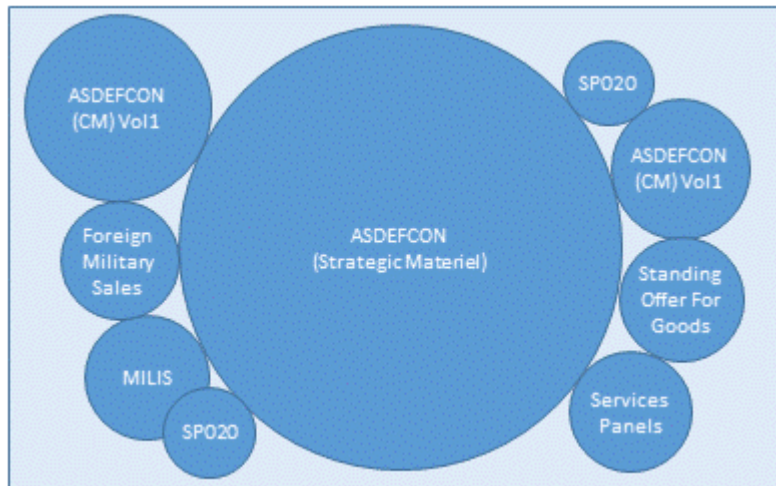


Figure 2: Acquisition versus individual contract scope

Similar to a major acquisition, in-service support for complex systems usually involves multiple contracts, including one main contract for the platform or other system, and several smaller supporting contracts for common repairable items and specialised support activities, as depicted in Figure 3.

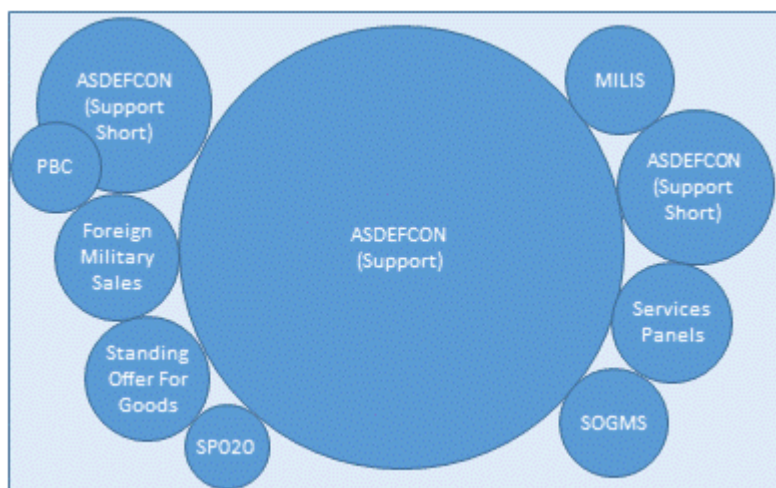


Figure 3: Support versus individual contract scope

Unless incorporated within the planning documentation for the acquisition project and therefore detailed in the ASIS, the number and scope of each on-going support contract (ie, excluding individual SPO20s and shortform contracts) should be identified in a Support Procurement Strategy (SPS). A Delegate Submission (DS) should also identify related procurement activities for MINCE programs.

Where the procurement activity, being a project or in-service support activity, will involve multiple contracts the flow chart in Figure 4 should be followed for each proposed contract. This will often result in the selection of different templates for different purposes through Steps 2A to 4.

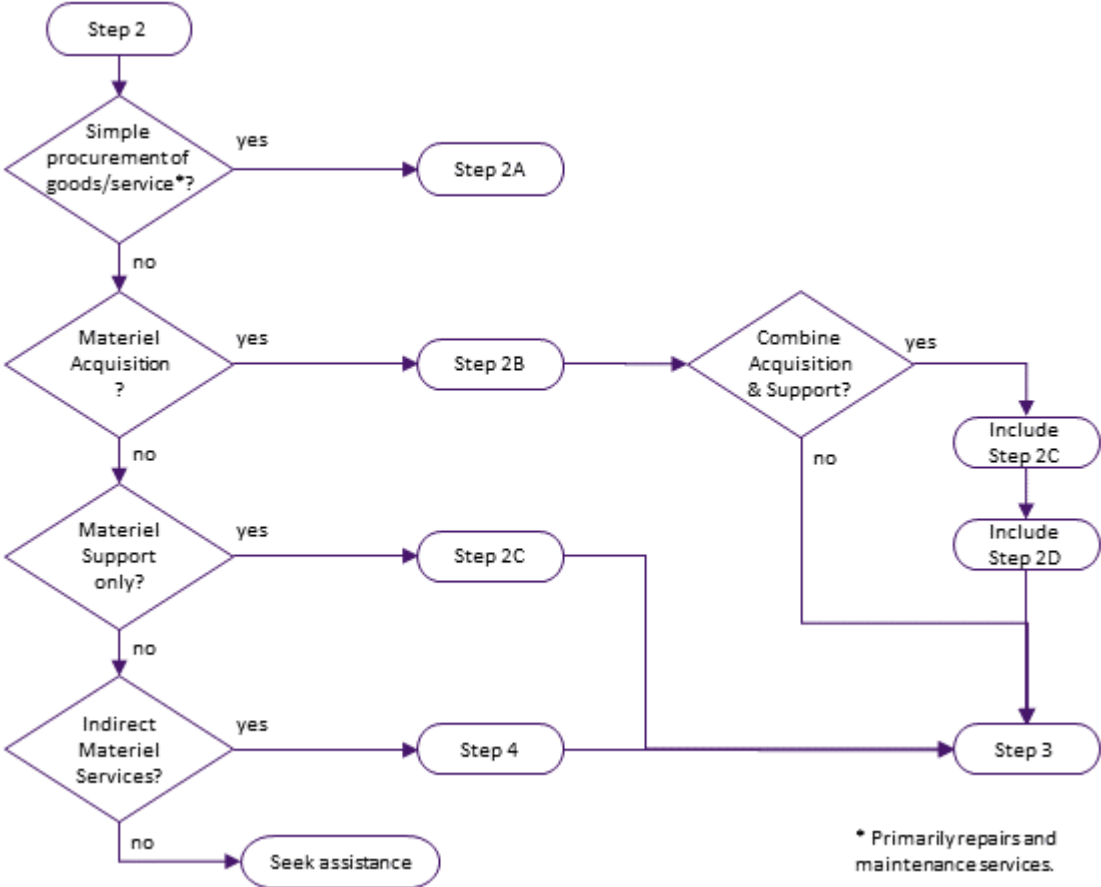


Figure 4: Materiel Acquisition and Support

Step 2A – Simple Procurement of Goods and Repair / Maintenance Services

There are a number of possibilities for a Simple Procurement using standing offer and panel arrangements, standard forms, or a ‘shortform’ contract to acquire various goods and repair / maintenance services. The common characteristic of this group of procurement activities is their straightforward nature, not requiring the development of specifications for various goods or a detailed statement of work to describe repair / maintenance services.

As shown in Figure 5, the first step is to determine if there is a suitable standing offer or panel arrangement that will provide the goods and repair / maintenance needed. If one exists, an Official Order can be made against that standing offer / panel³. Standing offers for materiel goods and services may have already been established by a CASG Systems Program Office and may be suitable for the required procurement activities. An Official Order for a standing offer is often similar to an SPO20 but incorporates the provisions of the standing offer rather than a stand-alone purchase order. The Official Orders may be raised through ROMAN, MILIS or manually.

Details and points of contact for existing CASG materiel-related standing offers can be accessed from under the “locating standing offer information” heading on the “AusTender – Standing Offer Notice Publication (SON)” web page of the Commercial Division E-Procurement DRN website:

³ Standing offer panel arrangements for non-materiel procurements are included under Step 4.

<http://drnet.defence.gov.au/DMO/DEPPP/ProcurementReporting/AusTenderPublishing/Pages/Stand ing%20Offer%20Publishing.aspx>

If an appropriate standing offer for goods and repair / maintenance does not already exist, then the next step is to determine if the procurement is a 'one-off' or likely to be repeated.

For the one-off (single or infrequent) procurement of goods or a repair service,⁴ then either the *Form AC565*, and *Form SP020* or the *ASDEFCON (Shortform Goods)* template, would be considered based upon whether or not limitation of liability provisions⁵ are applicable to the procurement. The *AC565 - Request for Quotation* and the *SP020 - Purchase Order and Contract for the Supply of Goods and Repair Services* can be used when a limitation of liability is not applicable. *ASDEFCON (Shortform Goods)* is the equivalent of a *Form SP020* with limitation of liability provisions and can be tailored for the procurement by including the findings of a liability risk assessment.

For repeated procurements of goods, when a standing offer does not exist, the *ASDEFCON (Standing Offer for Goods)* template may be used to establish a standing offer for off-the-shelf goods, or the *ASDEFCON (Standing Offer for Goods and Maintenance Services)* template if an SOW is required to define Defence-specific aspects of the repair / maintenance services. Each procurement action is then implemented using an Official Order (note that establishing a standing offer is a Complex Procurement but placing an Official Order under a standing offer is a Simple Procurement). The *ASDEFCON (Standing Offer for Goods)* template does not include a SOW to identify Defence-specific work requirements; hence, the goods need to be off-the-shelf (eg, from catalogues for support equipment, tools or consumables).

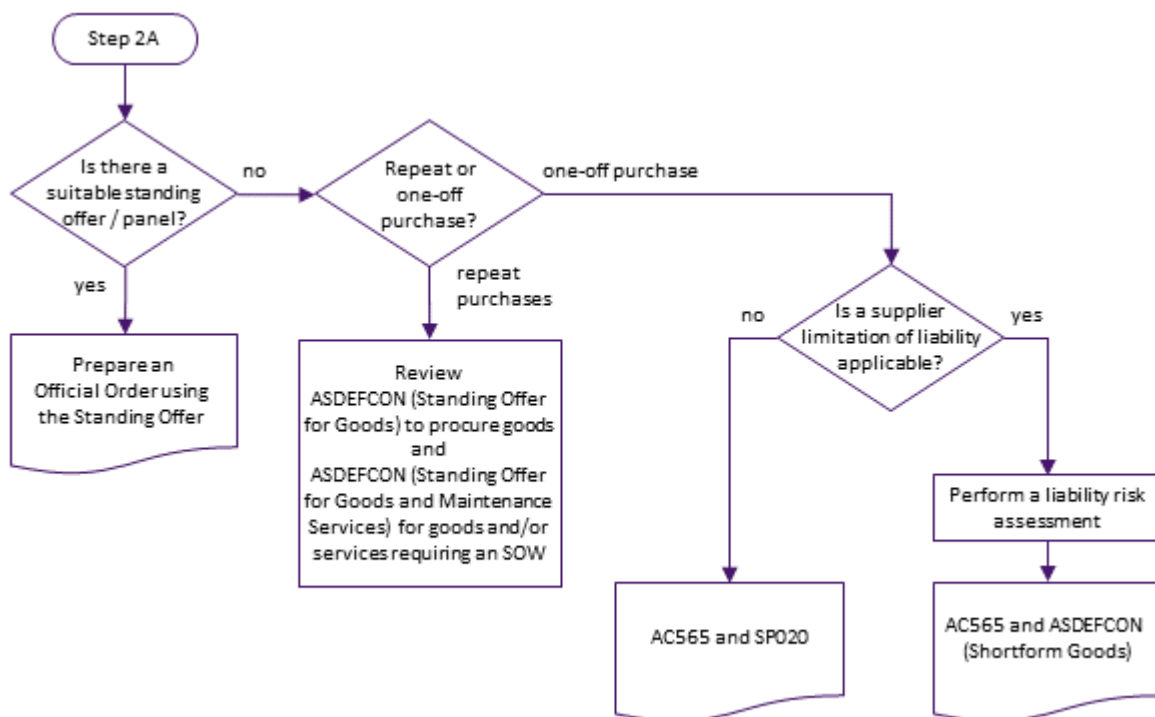


Figure 5: Simple Procurement of Goods and Repair / Maintenance Services

Each of the forms and templates mentioned above is described in [Annex A](#).

⁴ Repair is a subset of maintenance, ie repairing an item when it breaks rather than undertaking preventive servicing. The *Form SP020* and *ASDEFCON (Shortform Goods)* templates include provisions for repair services, while the *ASDEFCON (Standing Offer for Goods and Maintenance Services)* template includes provisions for maintenance services.

⁵ Refer to chapter 3.15 of the *Defence Procurement Policy Manual* for information on limitation of liability.

Step 2B – Materiel Acquisition

Overview of Materiel Acquisition Templates

ASDEFCON (Strategic Materiel)

The *ASDEFCON (Strategic Materiel)* template is applicable to large-scale design, development and integration projects, including for ‘system-of-systems’ integration. These projects typically involve the acquisition of new systems (eg, platforms, vehicles or complex electronic systems) once initial analysis has determined that no off-the-shelf solutions exist or are suitable, or major development-based modernisation programs for existing systems (eg, mid-life upgrade). The technical complexity of these programs involves a high-to-very high risk, as it may incorporate evolving technology into the design, be software-intensive, and require complex systems-integration or ‘system-of-systems’ integration. In a typical project a prime contractor would combine modern communications, combat systems and sensors into a platform with components sourced from many suppliers, and a large CASG project team would be required to maintain visibility across the full scope of contractor activity.

ASDEFCON (Strategic Materiel) includes governance and assurance mechanisms applicable to high levels of technical risk in a complex design and development program, including in relation to both project management and technical disciplines. Systems Engineering (SE) and Integrated Logistic Support (ILS) programs have a “do everything” approach, meaning that these disciplines are applied “in full” to the design and development of the new materiel system (ie, mission systems and the support system) over three or more years, prior to the start of production. *ASDEFCON (Strategic Materiel)* applies only to more complex MCE developmental projects and require considerable project office and/or external support resources.

ASDEFCON (Complex Materiel) Volume 2

ASDEFCON (Complex Materiel) Volume 2 is applicable to medium risk design, development and integration projects, which may also include some lower-complexity ‘system-of-systems’ integration and software development. Typically, major components of the solution exist but considerable effort is required to integrate these or to develop new components and/or interfaces. For example, a new subsystem may be integrated into a number of platforms, or existing off-the-shelf solutions may require modifications to be interoperable with systems already in service. In this situation, design effort is concentrated on the interface between the new and existing system components and analysing support is focussed on defining quantities of resources for an established maintenance and supply chain.

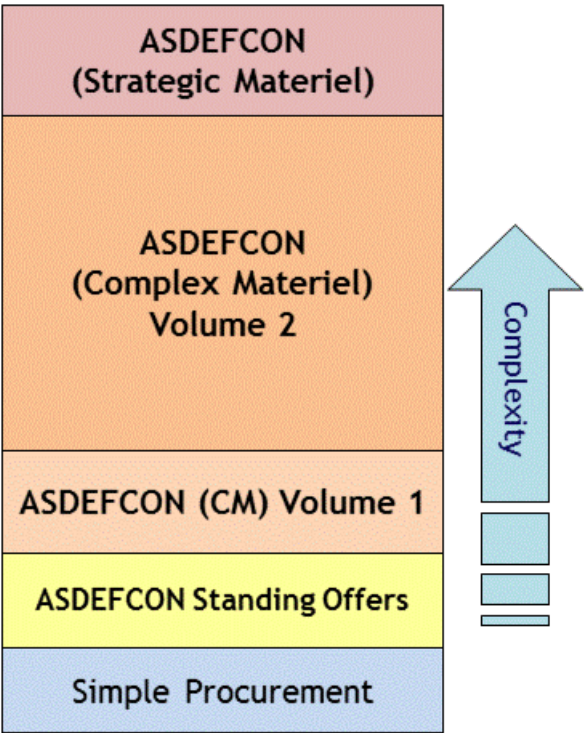


Figure 6: Acquisition Contracting Spectrum

In comparison with *ASDEFCON (Strategic Materiel)*, *ASDEFCON (Complex Materiel) Volume 2* includes lower level governance and assurance mechanisms commensurate with medium levels of technical risk. The template also has scaled-down SE and ILS programs for more mature designs and/or less complex design programs. SE and ILS programs can be scaled-down further for an existing Mission System needing a Support System to be developed and implemented

in Australia, or for a modified Mission System / subsystem to be supported by integrating into an established Support System. The design effort for these types of projects could last for two years or more, but in most cases they would be completed in less than two years. *ASDEFCON (Complex Materiel) Volume 2* can also be scaled up for a greater level of development complexity, for both the mission system and the support system, often by copying from *ASDEFCON (Strategic Materiel)*. For example, tailored Mandated System Review (MSR) checklists may be adopted for added rigour in design and development review, and for the ILS program the Support System specifications and design description, and the Support System Detailed Design Review, could be transferred into the template for the actual design of a new Support System (more than adding resources to an existing one). Refer to the section on “Changing Scale, Up or Down” for further information.

ASDEFCON (Complex Materiel) Volume 2 can be used for both MCE and MINCE projects, as well as for some upgrade programs undertaken during the In-Service Phase.

ASDEFCON (Complex Materiel) Volume 1

ASDEFCON (Complex Materiel) Volume 1 is applied to low technical risk procurements that have no significant design and development activity. Supplies may be non-developmental, or incorporate standard manufacturer options, or need a minor development activity to meet Commonwealth requirements but the associated technical risk is so low that the cost of implementing a rigorous system to provide Commonwealth insight is not justified. Sample products may be presented for trials during the tender period, and many supplies will be manufactured before Effective Date (ie, as off-the-shelf items that are in stock) or built to order. Analysis results are presented in the tender response, including recommended lists of support resources and training courses. Under contract the supplies are delivered, installed if applicable, and may be tested against product specifications. Specific training for the operation and maintenance of the supplies could be developed and initial courses may be delivered under the contract, particularly if the products will be supported by Defence personnel on deployment. Commonwealth governance and assurance mechanisms in this template are minimal, commensurate with a low level of technical risk.

ASDEFCON (Complex Materiel) Volume 1 includes a SOW to allow for the inclusion of requirements for installation, on-site equipment verification (ie, final inspection and test), and some development of support resources, such as Commonwealth-unique training – these options are not available under the *ASDEFCON (Shortform Goods)* or *ASDEFCON Standing Offer* templates. *ASDEFCON (Complex Materiel) Volume 1* may be used for a principal contract in a MINCE project, for secondary procurements in a MCE project, or for standalone procurements in the In-Service Phase. From a technical perspective (although commercial provisions would in all likelihood need some tailoring) the template can be used for high-value procurements of off-the-shelf materiel.

ASDEFCON Standing Offers

ASDEFCON (Standing Offer for Goods and Maintenance Services) may be used for the procurement of off-the-shelf materiel items and of follow-on maintenance services (it may also be used to procure maintenance services with the incidental purchase of Repairable Items (RIs) using list prices or Survey and Quote (S&Q) provisions). Once a standing offer is established, an Official Order is used for each purchase. Refer to [Step 2A](#) for more information.

ASDEFCON (Standing Offer for Goods) may be used when off-the-shelf goods will be procured. Once the standing offer is established, an Official Order is used for each purchase. Refer to [Step 2A](#) for more information.

Simple Procurement of Goods

Simple one-off procurements may be performed to acquire goods on an infrequent basis. Refer to [Step 2A](#) for more information.

Materiel Acquisition Template Selection

To select an ASDEFCON materiel acquisition template it is essential to determine, from a market survey or existing product knowledge, if the program will be developmental or non-developmental (including when no Commonwealth visibility of low level design and development is required), or if different tenderers are likely to respond with developmental and non-developmental solutions⁶. If the level of technical design maturity for the system is unknown, the *ASDEFCON (Request For Information)* template (described in [Annex A](#)) may be used to obtain information from industry.

With knowledge about the design maturity of products in the marketplace, a choice can be made between developmental and non-developmental acquisition templates, as shown in Figure 7. Subsequent questions aim to identify a specific template for the type of non-developmental procurement or for the expected level of complexity during development, as applicable.

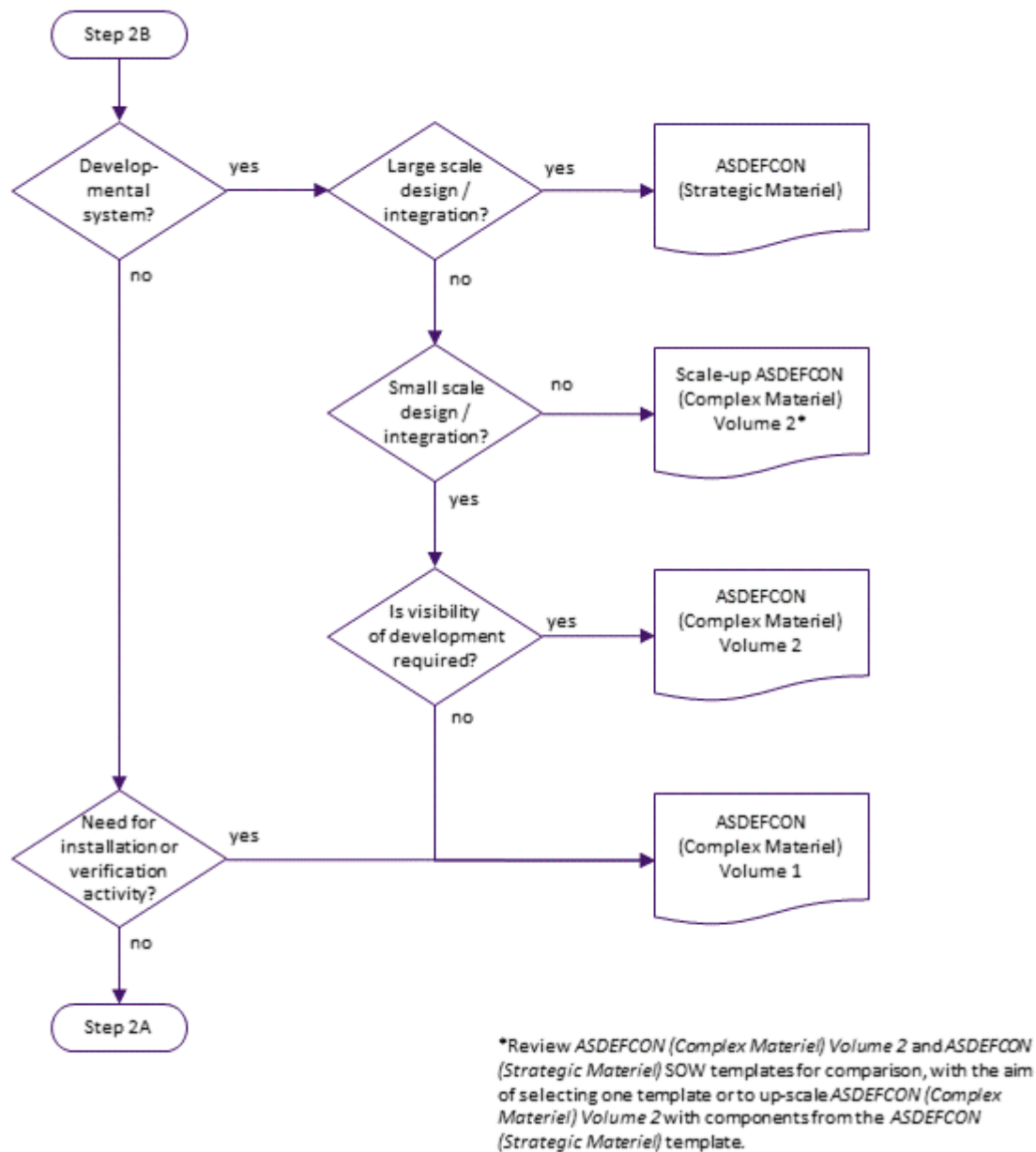


Figure 7: Developmental and Non-Developmental System Procurements

⁶ In which case, a template with an SOW that is able to support a development program would be required, with notes added to identify those requirements that would be omitted or consolidated if a non-developmental solution was tendered and selected.

Non-Developmental System Procurements

Within Figure 7, the non-developmental procurement templates are separated into:

- procurements requiring product demonstrations, installations, final inspection and test (ie, for verification), and/or the development of certain support elements (eg, customised training materials): using *ASDEFCON (Complex Materiel) Volume 1*;
- procurements of relatively simple products with Defence-unique requirements (but no installation or verification): using *ASDEFCON (Complex Materiel) Volume 1* (with few optional clauses); and
- Simple Procurements of off-the-shelf items: refer to [Step 2A](#).

Developmental System Procurements

In Figure 7, templates for the acquisition of a developmental system are separated by the ability of the SOW to support the technical complexity of the development and the associated technical risks⁷. This selection separates procurements into the following broad categories:

- large scale development of mission system(s), new technologies or major integration (including system-of-systems integration) are required for a system that will become the basis of a Defence capability: using *ASDEFCON (Strategic Materiel)*;
- medium scale development, where some development is required to integrate new or existing components, or to interface and integrate with existing external systems: *ASDEFCON (Complex Materiel) Volume 2* tailored normally or ‘scaled-up’ with requirements transferred from *ASDEFCON (Strategic Materiel)*; and
- small scale development, requiring the development of interfaces or materiel system components where the Commonwealth requires a moderate level of visibility: *ASDEFCON (Complex Materiel) Volume 2*, which may be tailored down if appropriate (eg, by consolidating milestones and removing optional clauses that are not necessary).

For projects needing a medium to large scale of materiel development but where the appropriate template is not obvious, further evaluation is needed to identify the SOW template that offers the best starting point for drafting. The usual preference is to select *ASDEFCON (Complex Materiel) Volume 2*, as the simpler template, and scale it up. However, in practice, if a project is close to but not quite at the *ASDEFCON (Strategic Materiel)* level of complexity, it becomes easier to start with that template and delete clauses (including some that would be ‘core’ in large scale development programs). By selecting a more complex template, there is the inherent risk of not tailoring-out unnecessary clauses and of deleting essential ones, which can unnecessarily add to the cost of tendering and contractual compliance for the tenderers/contractor and the Commonwealth, or of removing essential aspects of the contract. Hence, this level of tailoring should only be undertaken with guidance from applicable subject matter experts.

Table 1 compares key attributes of the *ASDEFCON (Strategic Materiel)* and *ASDEFCON (Complex Materiel) Volume 2* SOW templates, and some related commercial aspects, in order to aid template selection. If a decision cannot be made using this comparison table, the next step would be to compare SOW clauses for specific areas of concern.

Table 1: Comparison of Acquisition Template SOWs

Attribute	ASDEFCON (Strategic Materiel)	ASDEFCON (Complex Materiel) Volume 2
System maturity, including the	Mostly developmental	Integration of off-the-shelf

⁷ An understanding of the technical complexity and risks should be an outcome of initial analyses, including DSTO technical risk assessments when applicable, and development of the ASIS.

Attribute	ASDEFCON (Strategic Materiel)	ASDEFCON (Complex Materiel) Volume 2
integration system-of-system solutions		items
Specification	Function and Performance Specification (FPS)	Description of Requirement (DOR) Part 1: One or more, product specifications, plain description, FPS
User requirement	Operational Concept Document (OCD)	DOR Part 2: Operating and Support Concept or OCD
Earned Value	Core with Integrated Baseline Review (no EVM payments)	Optional
Data Management System	Core	No
Independent Verification and Validation (IV&V)	Optional	No
Government Furnished Material (GFM) and Facilities (GFF)	Optional	Optional
Directed Trade Studies	Optional	No
Systems Engineering Reviews	Full program	Yes, may be combined
Software development	Core, significant	Optional, limited
Reliability & maintainability related engineering and logistics	Core	Optional, limited
Materiel Safety, Logistics, Security, E3 programs	Core	Optional, limited
Support system specification and design	Core	No, but support concept can be updated
Support Resources	Defined from task analyses	Compiled from existing sources
Provisioning reviews	For each major support resource	One combined review
Quality program	Contract specific	Generic quality system or Acceptance Verification
Acceptance Verification	Core	Core
Use of previous Verification and Validation (V&V) results	No	Optional
Validation	Core	No
System Acceptance Audits	Core	No
Checklists for Reviews	Mandated System Review Checklists (templates)	Contractor defined

Attribute	ASDEFCON (Strategic Materiel)	ASDEFCON (Complex Materiel) Volume 2
Progress Certification	Optional	No
Liquidated Damages	Core	Optional

Tailoring

Having selected an appropriate SOW template for the design complexity and associated technical risk, the next step is to tailor the template in accordance with [Step 3](#).

Step 2C – Materiel Support

Overview of Materiel Support Templates

ASDEFCON (Support)

ASDEFCON (Support) is a Productivity and Performance Based Contract (PPBC) template for the support of materiel systems including platform-based mission systems, vehicle fleets, complex ICT Systems, and complex subsystems fitted to one or multiple mission system types. These Products require a range of inter-related Services and are usually subject to technical regulation while services interact with significant levels of Commonwealth activity.

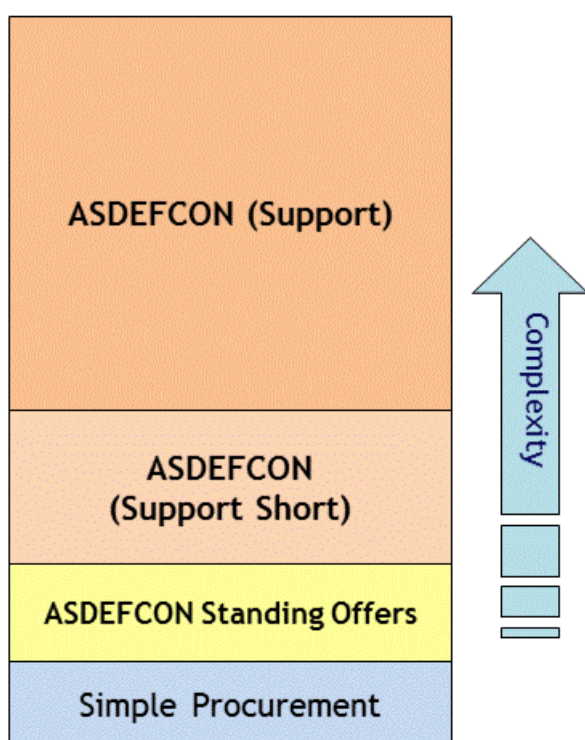


Figure 8: Support Contracting Spectrum

When using this template, support services are obtained from one or more of the five Support System Constituent Capabilities (SSCCs), being:

- operating support;
- engineering support;
- maintenance support;
- supply support; and
- training support.

The SOW is supported by a series of Detailed Service Descriptions (DSDs), each a ‘mini-SOW’ for detailing the requirements for performing a group of related functions.

An optional Contractor Standing Capability module, included within the template, enables many engineering and similar S&Q Services to be performed by a standing team of personnel. The Aerospace module, provided by the Director General Technical Airworthiness, defines additional work requirements applicable to the aerospace technical regulatory environment.

ASDEFCON (Support Short)

The *ASDEFCON (Support Short)* template is intended for the support of subsystems and equipment (ie, those items capable of independent operation without being integrated into a larger system). The Products may be off-the-shelf items, specialist ICT (without on-going software development), military or other industrial items that may or may not have unique support requirements.

Services may be provided for one or more of the five SSCCs. Work will often be subject to a technical regulatory framework but does not require significant Commonwealth oversight.

In comparison with *ASDEFCON (Support)*, *ASDEFCON (Support Short)* covers a broad range of Services but with less depth and an associated reduction in management complexity and overheads. Refer to the comparison of templates in Table 2 for a further description of template applicability.

ASDEFCON Standing Offers

ASDEFCON (Standing Offer for Goods and Maintenance Services) may be used to acquire new RIs and then provide maintenance support, or support existing RIs with maintenance and the procurement of related consumables and repair parts. Provision to quote for additional work means that similar work (eg, such as damage repairs) may also be provided (as the scope of such tasks is unknown they do not have 'list prices'). The template includes a SOW to enable certain work requirements to be specified (eg, for the delivery of codification data). Although a standing offer is created, due to the nature of the work it is usually only implemented with one supplier, rather than a panel.

ASDEFCON (Standing Offer for Goods) may also be used to procure replacement RIs and / or consumables to support maintenance and supply activities. Refer to [Step 2A](#) for more information.

Simple Procurement of Repair / Maintenance Services

Simple one-off procurements may be performed to acquire services (and goods consequential to the services) on an infrequent basis. Refer to [Step 2A](#) for more information.

Materiel Support Template Selection

Figure 9 depicts a process for selecting a template for the provision of services. The first step in Figure 9 is a selection based on whether the services are:

- “Materiel Support Services”, being applied to specific RIs (eg, maintenance procedure X on item Y, or the purchase of items with part number 123), or
- “Indirect Materiel Services”, which may relate to materiel but do not require ‘hands-on’ work (eg, IV&V Services, inventory analysis, and generic trade training).

For Materiel Support Services, refer to the following section. Indirect Materiel Services are discussed in the subsequent section on page 18. Note that Simple Procurements of Goods and Repair / Maintenance Services should have been captured by [Step 2A](#).

Materiel Support Services

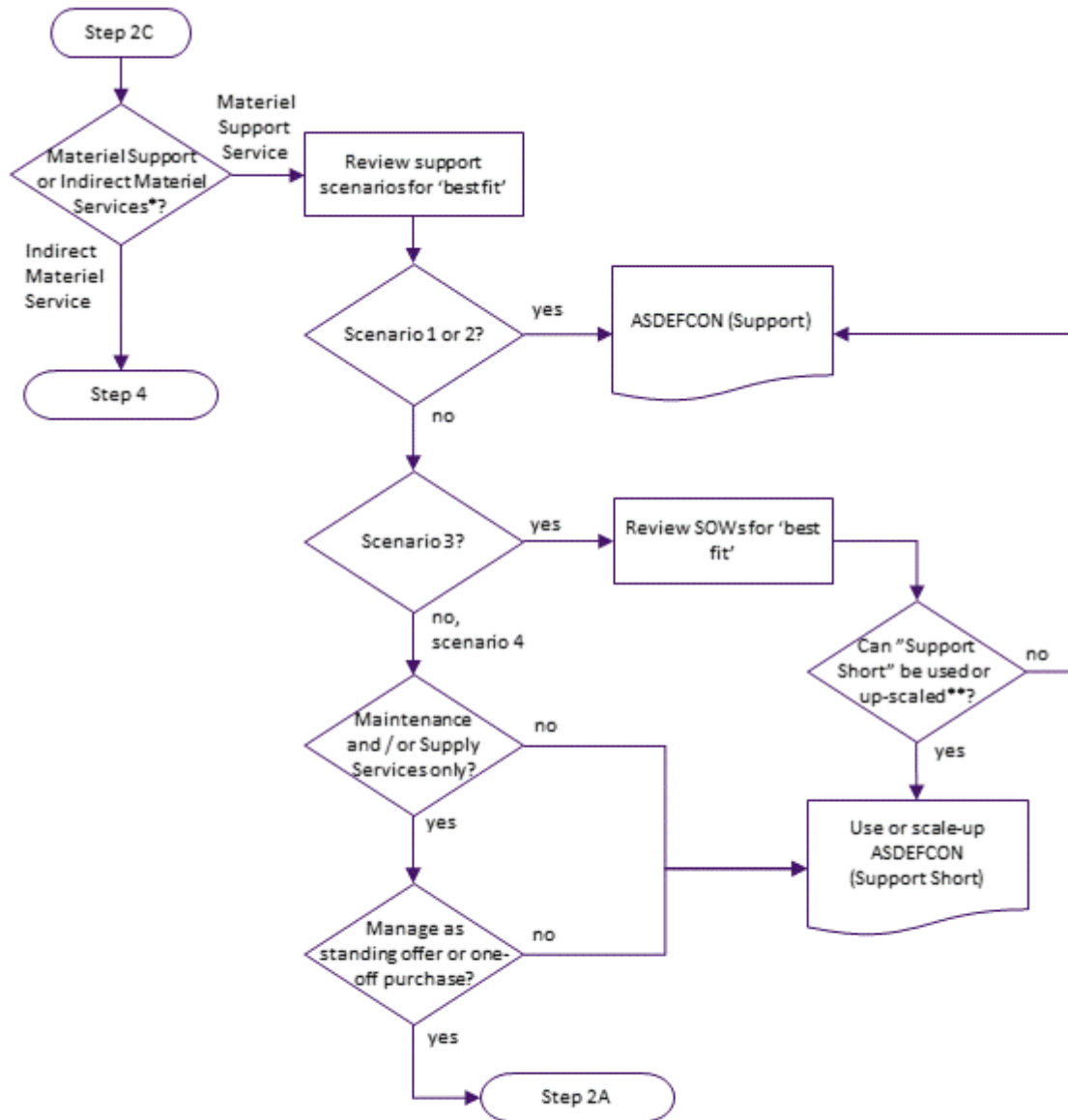
Materiel Support Scenarios

Template selection, for the support of materiel, is based on the technical complexity of the services described in the SOW, and the associated level of technical regulation and Commonwealth visibility required. The range of Service complexity is characterised by four support scenarios, as follows⁸:

- *Scenario 1:* The Contractor has full support responsibility for the materiel. There is no ADF maintenance except for pre and post-operative checks, if applicable. The mission system may even be operated by the Contractor in its intended role.
- *Scenario 2:* The Contractor has responsibility for mission system support. ADF support is primarily at the operational level and in the CASG System Program Office (SPO) while the Contractor provides all deeper maintenance, supply management, and much of the engineering capability.
- *Scenario 3:* The Contractor is responsible for subsystems (eg, communications subsystems, engines, etc) and/or equipment. The Contractor may provide support directly to ADF units or other ADF contractors who have mission system responsibilities. The Contractor may have engineering and supply management responsibilities for specific products.

⁸ These scenarios are described in more detail in Annex A to the *ASDEFCON (Support) SOW Tailoring Guide*.

- *Scenario 4:* The Contractor is responsible for the maintenance of RIs or less complex equipment. The Contract may support items used with one or a number of mission systems (ie, a common use contract). The CASG manages inventory and item configuration, and performs other support functions internally or through another contractor.



*Indirect Materiel Services relate to material but are not specific to individual configuration items. For example, generic maintenance trade training or forklift operation.

**Review the two SOWs to see if the ASDEFCON (Support Short) SOW can be scaled up using components from ASDEFCON (Support) without exceeding any other practical limits of that template.

Figure 9: Materiel Support Template Selection

In accordance with Figure 9, the scenarios map to the following templates:

- Scenarios 1 or 2: *ASDEFCON (Support)*;
- Scenario 3: consider *ASDEFCON (Support)* or *ASDEFCON (Support Short)*; and
- Scenario 4: consider *ASDEFCON (Support Short)* or *ASDEFCON (Standing Offer for Goods and Maintenance Services)* (refer to [Step 2A](#)).

Selection in Support Scenarios 1 and 2

For Support Scenarios 1 and 2, the *ASDEFCON (Support)* SOW template contains the management and governance requirement for platform-level support services, and contracts of similar technical complexity. Selection in scenarios 3 and 4 requires further investigation, as described below.

Selection in Support Scenario 3

Finding the SOW template of ‘best fit’ for a contract in scenario 3 depends upon the complexity of the materiel and the services, and any related constraints that may prevent use of the lower complexity *ASDEFCON (Support Short)* template. Table 2 compares the *ASDEFCON (Support)* and *ASDEFCON (Support Short)* templates based on the technical scope and some closely-related management and commercial provisions.

Table 2: Comparison of Support Template SOWs

Area	Activity	ASDEFCON (Support)	ASDEFCON (Support Short)
Operating Support	Operation of Mission Systems	Optional	No
	Help Desk	Optional	Optional
Engineering Support	Technical Regulation	Optional, ‘accredited’ or ‘authorised’	Optional, compliance only
	Engineering Investigations	Optional	Optional
	Analyses (eg, obsolescence, supportability)	Optional	No
	Major Changes / modifications	Optional	No
	Minor Changes / modifications	Optional	Limited (by S&Q)
	Software Maintenance	Optional	No
Maintenance Support	Technical Regulation	Optional, ‘approved’ or ‘accredited’	Optional, basic compliance only
	Maintenance Investigations	Optional (not core for ICT Systems)	Core
	ICT Systems Administration	Optional	No
	Defence and Contractor information systems	Optional	Optional
	Modification Installations	Optional	Optional
Supply Support	MILIS or Contractor information systems	Optional	Optional
	Procurement of Non-RIs	Optional	Optional
	Procurement of RIs	Optional	No
	Warehousing (on Defence site)	Optional	No
	Stock Assessment, Codification and Cataloguing	Optional	No
	Requirements Determination	Optional	Optional

Area	Activity	ASDEFCON (Support)	ASDEFCON (Support Short)
	(rate of use models)		
Training Support	Course Delivery	Optional	Optional
	Training Materials Support	Optional	No
	Student training management	Optional	No
V&V	V&V of the services provided (separate planning, reporting)	Optional	No
Quality	Certified QMS	Core	Optional, or Defence QA
Management	Management plans, reports and reviews for each SSCC	Optional	Generally no, separate Maintenance Plan only
	Data Management System	Core	No
	Performance Based Contract	Core	Optional module
	Efficiency requirements	Core	No
	Resident Personnel	Optional	No
	Members Required in Uniform	Optional	No
	GFF	Optional	No

To minimise unnecessary effort and management or administrative costs, preference is given to the *ASDEFCON (Support Short)* template, having only a moderate level of Commonwealth visibility and assurance. If required, the services can be scaled up with clauses and Data Item Descriptions (DIDs) transferred from *ASDEFCON (Support)*. However, *ASDEFCON (Support Short)* is unlikely to be used for a contract with services from all five of the SSCCs because it does not have the management framework for contracts of that scale. Furthermore, *ASDEFCON (Support Short)* does not allow for GFF or have WHS provisions for work on Commonwealth premises. Due to the overall scope and complexity of some contracts in scenario 3, it may be easier to tailor requirements out of the *ASDEFCON (Support)* template rather than up-scale the *ASDEFCON (Support Short)* template.

Selection in Support Scenario 4

There are two template options to obtain support services in scenario 4:

- *ASDEFCON (Support Short)*, which can be used for a range of recurring services that may be provided to RIs / equipment for one or more of the SSCCs; or
- *ASDEFCON (Standing Offer for Goods and Maintenance Services)* if limited to specified maintenance activities and the provision of consumables and additional RIs; refer to [Step 2A](#).

Procurement officers need to review each of the above templates to identify the one most suited to the required procurement.

Tailoring

Having identified the most appropriate template for Materiel Support Services, the next step is to tailor the selected template in accordance with [Step 3](#).

Indirect Materiel Services

Indirect Materiel Services, for the purposes of this guide, are services related to materiel systems but which do not apply directly to RIs / individual products (eg, these services do not include physical, ‘hands on’ maintenance and supply activities). Examples of Indirect Materiel Services include:

- consulting services for the review of materiel sustainment for a system or fleet;
- IV&V of modifications and for performing configuration audits;
- post-depot / post-full cycle docking maintenance certification and quality assurance;
- performing technical analyses including spares optimisation, life cycle costing analysis, maintenance requirements determination, or other form of supportability analysis;
- providing trade training (eg, generic engine maintenance or forklift operation); and
- to otherwise supplement a CASG SPO’s technical and product management capability.

Note that in terms of template selection the same templates are used for both Indirect Materiel Services and other Services acquired through a Non Materiel Procurement. Accordingly, Indirect Materiel Services are captured by Non-Materiel Procurements ([Step 4](#)).

Step 2D – Linked and Combined Materiel Acquisition and Support Contracts

Most materiel acquisitions (other than replenishments and urgent operational procurements) will result in a requirement for follow-on support for the materiel. Acquisition and support activities may be arranged separately (eg, support for items acquired through FMS), but in many cases a seamless transition from acquisition to support will be desired by seeking both an acquisition and support contractor (preferably the same or related entities) through a single procurement process. This can be facilitated by issuing a Request for Tender (RFT) that includes both the draft acquisition contract and the draft support contract.

The complexity involved to ‘link’ together an acquisition and a support contract, under one RFT, will depend upon:

- the complexity of design and development activities under the Contract (Acquisition) – the less mature the design, the less that products and support services can be defined;
- the complexity of the support services to be provided – the more complex the services, the greater the changes to the template for the draft Contract (Support) and of changes identified under the Contract (Acquisition) when defining the support system; and
- the commercial and legal relationship between the acquisition and support contractors.

At the lower level of complexity, *ASDEFCON (Standing Offer for Goods and Maintenance Services)* can be used for both the acquisition of supplies and some maintenance and supply services, all of which can be defined prior to and acquired under the single contract. At the high end of complexity, the *ASDEFCON Linkages Modules* contain detailed guidance and drafting instructions to assist users tailor Acquisition and Support Contracts based on the relevant ASDEFCON templates when seeking a combined acquisition and support solution from a single RFT process (but under separate contracts). These *ASDEFCON Linkages Modules* are discussed in this section.

ASDEFCON Linkages Modules

The *ASDEFCON Linkages Modules* are designed to help ‘link’ draft contracts based on the ASDEFCON templates for acquisition and support released under a single RFT, through a single Conditions of Tender (COT) template and with a consolidated list of Tender Data Requirements. The *ASDEFCON Linkages Modules* provide amendment instructions for the relevant ASDEFCON templates for the conditions of contract, statement of work and any other contract attachments which require amendment.

The *ASDEFCON Linkages Module (Strategic)* provides the instructions to link *ASDEFCON (Strategic Materiel)* and *ASDEFCON (Support)*. Users should refer to [Annex E](#) for details of on-line resources, including the range of *ASDEFCON Linkages Modules*.

These modules assist users amend the *ASDEFCON* templates to design a set of contracting arrangements whereby information developed under the Contract (Acquisition) can be used to inform and update the Contract (Support) and to ensure that the arrangement appropriately recognises and addresses relevant legal, commercial and technical issues. In the more complex templates (such as *ASDEFCON Linkages Module (Strategic)*), Milestones are used to synchronise the Contract (Acquisition) and Contract (Support) through transition from acquisition to the support phases. The modules also assist users make other template changes designed to address a range of commercial issues associated with a combined acquisition and support RFT, including warranties, postponement, securities, intellectual property, government furnished material, payment provisions and cross-termination rights for the Commonwealth.

The *ASDEFCON Linkages Modules* include guidance with an explanation of the principles relevant to 'linking' the various *ASDEFCON* templates. The guidance also includes a detailed explanation of new and updated clauses and DIDs, and details the changes to be made to the 'standard' template clauses.

Users should also be aware that when using the *ASDEFCON Linkages Modules*, additional changes to those detailed in the module may be required to address the individual materiel acquisition and support program requirements of their particular procurement.

Standing Offers

ASDEFCON (Standing Offer for Goods and Maintenance Services) has been designed to be used for the acquisition and support of off-the-shelf materiel items under a single standing offer deed. Refer to [Annex A](#) for more information regarding this template. Hence, there is no separate requirement when using this template for further tailoring to include appropriate 'linkages' as there is with the other separate acquisition and support *ASDEFCON* templates.

Step 3 – Tailoring of ASDEFCON Templates

Having identified the most appropriate ASDEFCON template, the next step is to tailor the selected template(s) for the specific requirements of the procurement in accordance with this [Step 3](#).

Before Tailoring Starts

Standardised Templates

Standard tender and contract documents ensure, to the maximum extent practicable, consistency in the approach used by Defence to engage with industry when acquiring goods and services. This has the benefit of reducing risk, reducing tendering and ongoing administrative costs for both Defence and industry, and it allows Defence to apply a best practice approach across the portfolio, confident that relevant policy and regulatory requirements are being addressed.

In accordance with mandatory policy in DPPM chapter 2.3, “[w]here an approved Defence contracting template exists for the type of procurement being undertaken, Defence staff must use that template as the basis for developing request documentation” because “[w]here an official template is used in its approved form and for the purpose it was intended, it can be assumed to be legally sound and to conform to applicable policy requirements”.

Wherever possible, the form of the template should be adhered to and bespoke tailoring of the templates should be kept to a minimum and changes limited to only those which are necessary to address the specific requirements of the procurement. Changing clauses for the sake of change is to be avoided; not only will such changes increase cost to both Defence and industry, they risk creating inconsistencies or unintended consequences in the resulting contract. However, some tailoring is unavoidable, as contracts need to be customised to the specific goods and services required and the circumstances of the procurement. When tailoring, clauses should only be added, modified or deleted consistent with the advice provided in the applicable handbook or tailoring guide, or after seeking advice from the relevant legal, procurement or technical specialist.

Drafters should refer to, where available, the applicable handbook or tailoring guide for the template being used.

Strategic Direction

Template selection and tailoring should be shaped and informed based on the requirements of the procurement, corporate level strategies and policies, and directions and guidance given by senior executives (eg, for matters that span multiple capabilities, materiel systems and/or related procurement activities). Such strategic direction, as contained in the ASIS, SPS or DS (as applicable), may define:

- the need for one or more contracts, using one or more different contract templates;
- the goods and services to be procured by each contract;
- the main characteristics of each contract including, as applicable:
 - major supplies to be acquired and options for additional quantities;
 - support contract term (duration) and options to extend;
- milestones;
- intellectual property and technical data requirements;
- performance measures and performance review requirements; and
- interfaces with related Defence and other parties.

Such information, when provided, is used to guide drafters when tailoring the selected template.

The potential reliance on existing contracts to implement any part of a ‘new’ acquisition or support requirement will also influence the scope and tailoring of a draft Contract. For example, the JLC-managed warehousing and distribution and Land Materiel Maintenance contracts both act as multi-

user contracts for new and existing materiel systems (or provided as GFS in other contracts). These contracts may replace a large portion of service in a new support contract.

Tailoring Templates

Typical 'Tailoring' Process

Although the tailoring process may vary from one contract to the next, a generic process for tailoring the larger materiel acquisition and support ASDEFCON templates is outlined in Figure 10.

1. Confirm the objectives and boundaries for the contract. Drafters should refer to the ASIS, SPS or DS, as applicable, and the support concept for boundaries or interfaces between the contract, the Commonwealth and other contracts, if applicable. This step considers strategic inputs, such as corporate-level CASG objectives and initiatives that will apply to the contract.

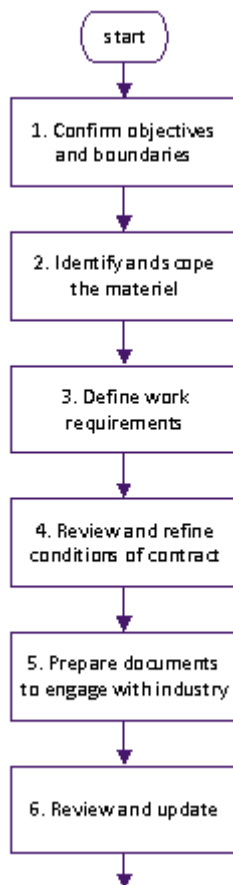


Figure 10: Typical Tailoring Process

2. Identify and scope the materiel. For acquisition contracts this refers to the specifications for the materiel to be supplied. For support contracts this refers to the lists of products that will be supported by the required services.

3. Define work requirements for the contract. This begins by tailoring the technical clauses of the SOW; being SE, ILS and V&V clauses in acquisition contracts, and the SSCC and V&V clauses for support contracts (including DSDs within *ASDEFCON (Support)*). Drafters should then tailor the project / support services management clauses and enabling SOW clauses (eg, general requirements) to support the technical clauses, and then confirm the DIDs and MSR checklists (if applicable) to be used.

4. Review and refine COC. Scope compliance and commercial requirements (eg, warranties, IP, LDs, liability caps, securities) and other environmental conditions using the optional and tailorable clauses in the COC and attachments. Tailoring needs to be consistent with the tailored SOW. COC provisions may also need to be tailored by scaling the template up or down – see the following topic on “Changing Scale, Up or Down”.

5. Prepare documentation to engage with industry, including the RFT or RFQ, and related data requirements. Some COT templates include optional clauses but most of the tailoring effort is applied to TDRs. Data requirements need to be consistent with the draft contract but should also be limited to that which is

necessary and relevant to tender evaluation and source selection. They should seek enough information to enable selection of the preferred tenderer(s) and not ask for information that will only be required after selection; this reduces the cost and effort of tendering for everybody.

6. Review and update the RFT (or RFQ) package. This process may involve peer review or an executive (‘red team’) review for high risk contracts. Prior to the release of an RFT based on any mid-level or high-level ASDEFCON template, a matrix of changes identifying all template changes to the COT, COC and relevant attachments should be prepared using the table in the template preliminary pages and included in the RFT.

There are a number of likely variations to the preceding process for tailoring an ASDEFCON template. For example, if major acquisition and support contracts are being released together, a number of steps would be performed in parallel and one RFT would be prepared for both draft contracts using the *ASDEFCON Linkages Module* (refer to [Step 2D](#)). Other variations include using a Request For

Information (RFI)⁹ to obtain market information prior to drafting the contract, or a release of draft contract documents, to industry, may be used in order to obtain feedback. Such variations should be described in the applicable ASIS or SPS.

Categories of ASDEFCON Clauses

Within ASDEFCON templates clauses are categorised as 'RFT Core', 'Core' including 'Core Options', or 'Optional'. These categories are annotated against heading clauses and in guidance, and the annotation applies to all subordinate clauses unless designated otherwise. These annotations are deleted before the RFT is released as all clauses, including template options, become requirements.

(CASG drafters should refer to Functional Policy (Procurement) - Procurement Policy and Process Requirements from Planning to Contract Signature For Complex Procurement Involving Material Acquisition And/Or Support Requirements for details of additional clearance requirements that apply to changes to certain template provisions – ie, insurance, limitation of liability, indemnity and liquidated damages.)

RFT Core

These clauses should not be deleted from the RFT released to tenderers. Tailoring of these RFT Core clauses should be kept to a minimum and they should only be deleted or changed if specialist legal or contracting advice has been obtained or if the changes relate to procurement specific tailoring such as inserting names or time periods.

Depending on a tenderer's response, these clauses may not be included in the final contract. When the clause is included, it is to be treated as a 'Core' clause in accordance with the guidance below.

Core

These clauses should not be deleted from the RFT or contract, unless it is in the SOW and subordinate to an optional clause that is being deleted. Tailoring of these Core clauses in the COT and draft COC should be kept to a minimum and they should only be deleted or changed if specialist legal or contracting advice has been obtained or if the changes relate to procurement specific tailoring such as inserting names or time periods.

Where an SOW clause is marked as 'Core', the tailoring guide (if available) should be consulted in the first instance and then specialist technical advice may need to be sought prior to tailoring the clause.

Core Options

Within the SOW, Core Options provide two or more alternative clauses to meet a Core requirement. For example, planning will be core for a specific function and Core Options allow for either a stand-alone plan or for planning to be included in a higher-level plan, hence one of the clauses (or sets of clauses) needs to be included in the contract. Like other Core clauses, Core Options are to be deleted when subordinate to a higher level optional clause that is deleted (ie, when the function is not required).

Optional

Optional clauses ensure consistency when including common requirements into the RFT and draft contract. 'Optional' means that the clauses will not be needed in every contract using the template, but the clauses should generally be included when the requirement is applicable to the contracting situation. Throughout the templates optional clauses usually appear inside paragraph borders or 'boxes'.

If the optional clause is included within the COT or draft COC, the template wording of the clause should not be amended unless specialist legal or contracting advice has been obtained.

⁹ RFI template issued June 2014. Template letter for release of draft documents issued June 2014.

If a SOW clause is marked as 'Optional', it can be included or omitted according to the scope of work, the supplies and/or the services required under the contract. However, before making changes, drafters should consult the SOW handbook or tailoring guide for that template, which provides guidance for consideration when making changes to the clause, and may also include additional draft clauses. Specialist technical advice should be sought prior to tailoring the wording of these clauses.

Any tailoring of Optional clauses should be kept to a minimum and only tailored to meet the requirements of the procurement.

Although clauses may be marked as optional, it may not be possible to delete them in isolation without also updating other related template clauses. Many clauses interact with other clauses, attachment, annexes and DIDs; hence, to remove a standard template requirement may involve a number of flow-on changes. For example, some requirements are split between the SOW to identify the work and the COC to identify compliance conditions governing that work – both clauses would need to be deleted, if optional and not required. Also, if transferring a clause from another template, several inter-related clauses may also need to be relocated or updated.

Data Item Descriptions

Clauses within DIDs are not marked as Core or Optional. However, tailoring of DIDs should be kept to a minimum. DIDs have been developed to accommodate the broadest application and changes to naming conventions or other alterations can have unintended ramifications for other sections of the contract. Furthermore, many Defence contractors have developed their standard management plans and other data items to match the DIDs and any unnecessary change could result in additional costs.

To ensure broad applicability while minimising any need for tailoring, many DIDs adopt a concept of 'self-tailoring'. This means that certain clauses only apply in response to tailoring that has occurred elsewhere in the contract. An example is a clause that is worded "if the Contract requires [X] the [name of data item] shall include...". If the contract does not require "[X]" then no action is required by the contractor, even though the clause was not deleted from the DID.

Details Schedule and Information Table

Most templates include a details schedule containing an information table located at the front of the COC and COT. The details schedule identifies unique or optional values applicable to the RFT/contract (eg, contact details, times, dates, locations, periods, amounts, Division 2 of the CPRs etc) and avoids the need to insert these values that vary across procurements into one or more clauses throughout the COC and COT. As a result, tailoring of the COC and COT is simplified. For reviewers familiar with the templates, a details schedule means that they can review key components of a draft COC and COT simply by referring to the details schedule. Defined terms that have a standard template meaning across procurements are located in the Glossary.

Tender Data Requirements

It is critical when drafting an RFT package to only ask for the information that is necessary to evaluate the submitted bids and make a source selection decision (ie, not seek additional information needed to manage the contract, which can be developed later by the preferred tenderer). Drafters need to carefully consider their tender requirements and ensure that an appropriate level of documentation is requested commensurate with the complexity of the requirements, overall risk profile, and anticipated relevant tenderer discriminators.

A number of Tender Data Requirements (TDRs) require tailoring. Some acquisition templates need the drafter to insert operating and support concepts, specifications and other information. For example, the price and delivery TDR in *ASDEFCON (Complex Materiel) Volume 1* forms the basis of a procurement list for equipment and support resources, and identifies how many items CASG intends to purchase. Some TDRs ask for draft technical plans either as whole plans or by addressing only selected clauses from the relevant DIDs. For these plans, seeking only the information needed for

evaluation (ie, asking for the minimum) is preferable to the whole plan, but the DID clauses listed in the template TDRs should be reviewed and tailored if necessary.

Notes in the Template

There are several types of notes in the templates intended to aid understanding and tailoring. These are explained below.

Notes to drafters

Notes to drafters inform drafters of the tailoring requirements for a clause. These may identify information to be inserted, provide an overview of the purpose of the clause to inform tailoring, and/or identify sources of further guidance (eg, a handbook). Notes to drafters are to be deleted before releasing the RFT (to 'tidy-up') but should not be deleted until after the applicable clause has been tailored.

Option notes

Option notes appear inside option boxes and identify conditions for when an optional clause should be included or not included. Where there is more than one option, a note to drafters usually precedes the clauses to explain the set of options available. Option notes are to be deleted once the applicable optional clause(s) have been selected and before release of the RFT.

Notes to tenderers

Notes to tenderers in TDRs provide additional information to tenderers regarding the expected response to those TDRs. Notes to tenderers in the draft contract identify where the inclusion of a clause, or details within a clause, will depend on the proposal presented by the preferred tenderer. These notes are also informative for drafters. Notes to tenderers in the draft contract are to be included in the RFT released to market and deleted prior to contract signature.

Notes

Notes are used to provide both Commonwealth and contractor staff with additional information such as an important cross-reference to a related clause or attachment.

Word Processing

The ASDEFCON templates have been developed using Microsoft Word® styles to manage headings, clause numbers, and so on. Templates are used for the styles and to load the Microsoft Word® toolbar. The templates and instructions for installation are available from:

<http://drnet.defence.gov.au/DMO/PP/ASDEFCONandContracting/Pages/DMO%20Toolbar.aspx>

There are two sets of Microsoft Word® templates for ASDEFCON templates and these are identified on the download page for the applicable ASDEFCON template. Once the Microsoft Word® templates are installed and a document is attached to them (via a button on the toolbar), common Microsoft Word® styles can be applied by selecting text and clicking the appropriate button on the toolbar. A complete list of styles can be displayed in the 'styles and formatting task pane' (in Microsoft Word® 2003, select 'Styles and Formatting...' from the 'Format' menu).

Selecting Options

Optional clauses appear in boxes. Once it is decided to select an option, the box around the clause(s) can be removed. There are two kinds of option boxes; the first is a 'text border' around clauses at the same numbering level, while the second kind is a table that surrounds clauses at different levels (eg, a clause with subclauses). Templates using the ASDEFCON 2015 toolbar styles only use the table method. Templates using the older DMO toolbar styles use both methods.

To remove the first type of option box (ie, text borders), use the DMO toolbar to apply the equivalent style without the border, or use the 'styles and formatting task pane' to change the style to one without "OPT" in its name (eg, re-style "DMO - Numlist ALV3 OPT" to "DMO - Numlist ALV3").

To remove the second type of option box, the ASDEFCON 2015 toolbar includes a button for this purpose. For the DMO toolbar, select the table and convert it to text (ie, select the Word® 2003 'Table' menu, 'Convert' and 'Table to Text...'). Clauses within the table are in the correct style.

Options that are not required are to be deleted. For those options in tables, this will require the table to be deleted (select the 'Table' menu, 'Delete' and 'Table').

Additional Details

There are instances in the templates where additional details are required to be inserted by the drafter *prior to release of the RFT to industry*. These are marked in the document with **square brackets** as follows:

[...INSERT CONTACT OFFICER DETAILS...]

There are other instances where relevant input will not be able to be finalised until after selection of the preferred tenderer and for insertion in the final contract. These are marked in the document with **curved brackets** as follows:

(...INSERT AMOUNT...)

Changing Scale, Up or Down

As mentioned previously in this Guide, template selection is driven by the 'best fit' SOW for the procurement's scope of work. This means that once a template has been selected on the basis of the SOW and tailored to reflect the specific work requirements of the procurement, the rest of the template (ie, COT and COC) needs to be reviewed and tailored to ensure it is appropriate for addressing the commercial risks relevant to the procurement. While the commercial risks will often follow the technical risks (eg, highly complex work will generally be coupled with high commercial risk) so that there will be no need for significant tailoring of commercial provisions, this will not always hold true. For example, if a low technical risk procurement leads to the choice of a lower order template but the procurement is high value (eg, procuring a fleet of non-developmental systems) there may be a need to 'upscale' the commercial provisions to manage the higher level of commercial risk.

As indicated in Figure 6 and Figure 8, materiel acquisition and support contracts occur across a broad spectrum of procurements, ranging from the relatively simple to the highly complex. ASDEFCON templates have been written for broad application but the standard optional clauses cannot address all possibilities and, on occasion, more comprehensive changes may be needed. If a close match between a specific contract's needs and the available templates cannot be found, options include:

- scaling up a low complexity template using clauses from a more complex template; or
- scaling down a more complex template through consolidation, deletion or replacing clauses with those from lower complexity templates.

Not every possibility for up-scaling and down-scaling can be covered by this Guide; however, a number of principles are discussed in the following paragraphs.

Up-scaling the Statements of Work

To avoid the management overhead of a more complex template and to minimise the costs of tendering for both industry and Defence, the preference is to begin with a low complexity template and scale up that template with selected requirements transferred from a more complex template, as necessary to address the specific requirements of the procurement. For example, if a contract 'falls between' ASDEFCON (*Strategic Materiel*) and ASDEFCON (*Complex Materiel*) Volume 2, drafting would begin with the ASDEFCON (*Complex Materiel*) Volume 2 template. In this example, if a new subsystem requires significant design and development to be integrated into a platform, but support will 'plug into' existing arrangements, the SE requirements may be expanded with clauses from ASDEFCON (*Strategic Materiel*) while the ILS clause would be tailored as usual. Alternatively, if the

prime equipment is off-the-shelf but a new and complex support system is to be established to enable in-country operations, then the standard SE clauses may be tailored (in the usual way) while the ILS requirements of the *ASDEFCON (Complex Materiel) Volume 2* template would need to be expanded with clauses and data items from *ASDEFCON (Strategic Materiel)*.

Scaling up the *ASDEFCON (Complex Materiel) Volume 1* is restricted due to the different process used for this template (ie, essentially that most analysis is performed by tenderers when preparing tender responses). However, *ASDEFCON (Complex Materiel) Volume 1* requirements could be expanded with DIDs from higher complexity templates with more specific data requirements (eg, for training materials) or by defining a more detailed V&V program using *ASDEFCON (Complex Materiel) Volume 2* clauses for guidance.

For support contracts that ‘fall between’ *ASDEFCON (Support)* and *ASDEFCON (Support Short)*, the *ASDEFCON (Support Short)* template can be scaled up using clauses from *ASDEFCON (Support)* DSDs and SOW management clauses. Management of contractor performance can also be expanded using the *ASDEFCON (Support Short)* Performance Based Contract (PBC) module to apply rewards / remedies to transactional-level performance. However, the *ASDEFCON (Support Short)* template is not intended for the complexity of a broadly scoped contract with services from every SSCC, or as a PBC with strategic-level performance measures, and its management provisions are, as a result, simple and limited. Accordingly, if many areas of the template need to be ‘up-scaled’ it can be easier to start with the *ASDEFCON (Support)* template and scale-down.

Up-scaling the Conditions of Contract

In some instances a lower complexity template will be appropriately selected for its SOW when it may also have a relatively high contract value or other significant commercial risks. In such cases, the COT and / or COC (and annexes / attachments) of the selected template may need to be expanded with clauses from a higher level template to ensure the resultant COT and COC (and annexes / attachments) are appropriate to address the commercial / legal risks associated with the procurement and to meet all applicable Defence and whole of government policy requirements.

Specifically, drafters need to be aware that some Defence and whole of government policy requirements only apply to procurements above a certain monetary value and, rather than include provisions implementing those policies in all *ASDEFCON* templates, the decision was made in the interests of efficiency, to only include the required implementing provisions in *ASDEFCON* templates that would typically be used for procurements above the relevant monetary threshold. In circumstances where this assumption doesn’t hold true (eg because a lower order template has been selected for a higher value procurement), the COT and COC (and annexes / attachments) of the selected template may need to be supplemented to ensure compliance with the full range of applicable policy requirements. For example, if *ASDEFCON (Complex Materiel) Volume 1* was selected for the procurement of multiple off-the-shelf items with a total anticipated price above \$20m, the AIC provisions would need to be supplemented with provisions taken from *ASDEFCON (Complex Materiel) Volume 2* to ensure full compliance with all AIC requirements.

To assist users understand when template changes may be required for policy reasons, a table of procurement connected policies headed “[Procurement Connected Policies Affecting the ASDEFCON RFQ/RFT Templates](#)” has been included at [Annex B](#). This table lists relevant procurement connected policies that apply to *ASDEFCON* RFQ/RFT templates, the monetary threshold applicable to each procurement connected policy and those *ASDEFCON* templates that do **not** include clauses for implementing the procurement connected policy because it is considered that the template would not typically be used for procurements above the applicable monetary thresholds. As explained above, in the event a template is used for a procurement activity above an identified policy threshold, then drafters would need to include the relevant clauses for that procurement connected policy by copying them from a higher level template.

A summary table indicating how the COC provisions build from the low-level to high-level templates is also included at [Annex C](#) under “[ASDEFCON Conditions of Contract/Deed Key Concept Map](#)”.

Scaling down the Templates

The ASDEFCON templates were each developed to fit a range of contracts within typical ‘work’ scenarios. Where, in some respects, the selected template contains more onerous requirements than necessary for one aspect of the procurement (eg, because, for certain other aspects, a more complex template was required) the template may be ‘scaled down’ by consolidating, reducing or deleting standard unnecessary requirements contained in that template.

As an example of consolidating requirements, *ASDEFCON (Complex Materiel) Volume 2* combines some mandated system reviews (eg, requirements reviews and design reviews) but these can be further consolidated when the design and development program is less complex than reflected in the template’s standard clauses (which also reduces the length of the contract’s schedule). Management plans and reports may also be rolled-up into higher-level plans and reports, as applicable. In *ASDEFCON (Support)*, for example, most (not all) program plans can be rolled-up into the Support Services Management Plan using standard optional clauses.

With caution and appropriate advice, core clauses may also be deleted when scaling down a template on the basis that the template was intended for a higher complexity procurement scenario than the contract being drafted. Handbooks and tailoring guides, as applicable, and specialist advice should be sought in order to gain a thorough understanding of the purpose and applicability of each core clause before it is deleted from the draft contract developed using the selected template.

Payment Models

The ASDEFCON templates are largely based on a fixed price payment model, noting that the *ASDEFCON (Support)*, *ASDEFCON (Support Short)* and the *ASDEFCON (Standing Offer for Goods and Maintenance Services)* templates include provisions for survey and quote services. *ASDEFCON (Support)* also includes performance based payments. Whilst a fixed price payment model will be appropriate for many procurements, it may not be appropriate where a large portion of the scope of work is unclear, for example where the project involves the acquisition of a developmental materiel system or where a new support solution is unclear, and the contractors are not in a position to take the risk of a fixed price contract. In such circumstances it may be necessary to use an alternative payment model such as a ‘cost plus with ceiling’ or ‘target cost incentive model’ or a similar payment model where pricing risk is shared between the parties.

The adoption of an alternative payment model will typically require significant amendments to the templates and, in particular, the relevant pricing attachment. Consequential amendments will also need to be considered as a result of any change to the payment model, for example, changes to any performance framework in the contract (eg, in relation to the support templates).

Specialist advice should be obtained before making changes to the payment model in the ASDEFCON templates.

Step 4 – Non-Materiel Procurements

Non-materiel procurements (as categorised in this Guide) include a range of procurement activities that are not related, or not directly related, to the acquisition and support of materiel. For example, construction of a maintenance workshop may be related to the support of a materiel system but it is not a materiel procurement. A template and contract selection logic is included in Figure 11.

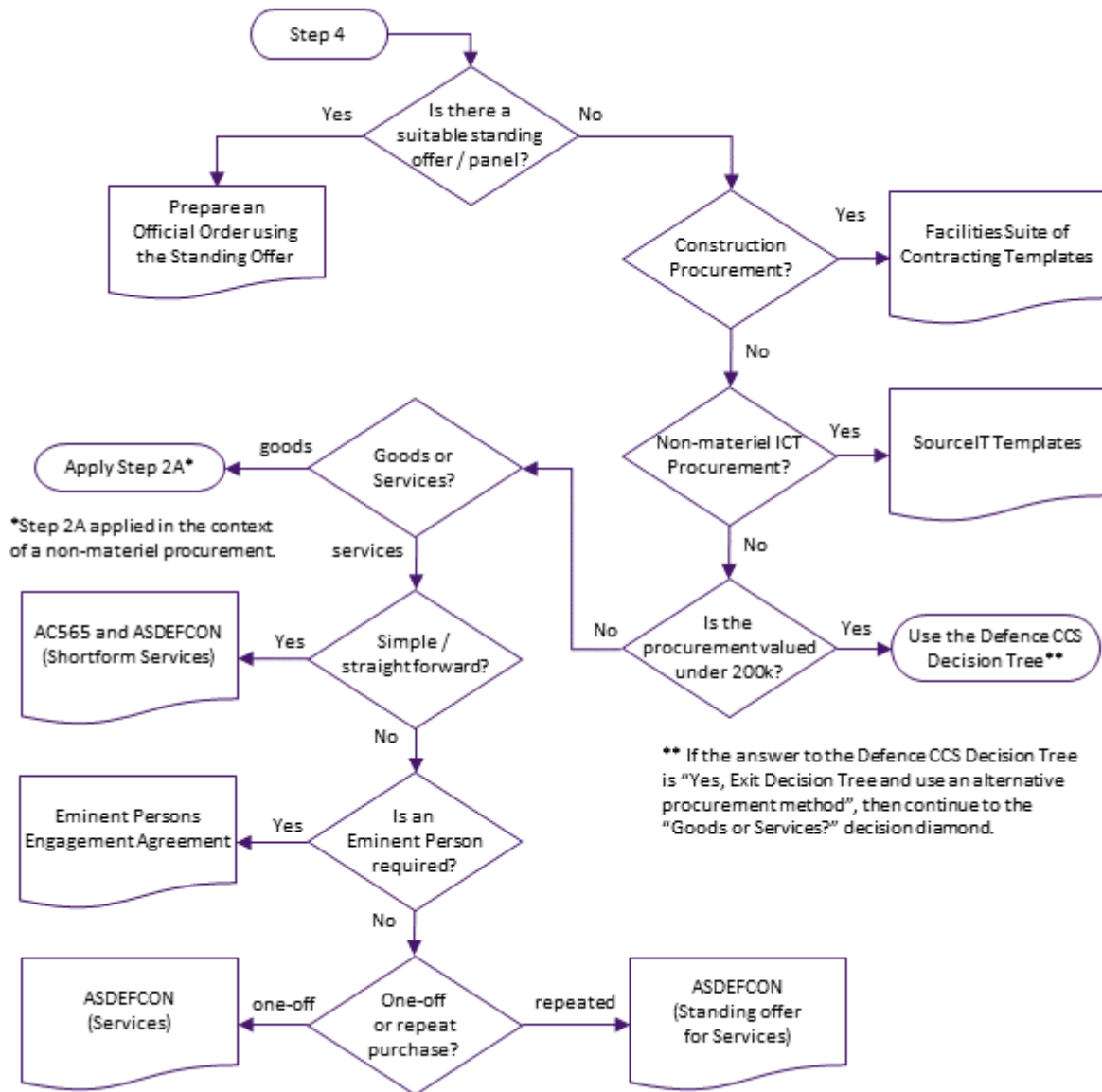


Figure 11: Non-Materiel Procurements

Contracts for some non-materiel procurements can be prepared using ASDEFCON templates while other contracts would need to be prepared using other templates or existing panel contracts or standing offer arrangements.

ASDEFCON Suite

The following templates may be used for the non-materiel procurement of services:

- *ASDEFCON (Shortform Services)*, including its modified *Form AC565*, when straightforward non-materiel services are required, such as clerical, administrative, basic trades, gardening, cleaning and basic consultancy services;

- Eminent Persons Engagement Agreement, for when an eminent person is required to provide strategic-level consulting services or to participate on governance boards;
- *ASDEFCON (Services)* for when used in a non-materiel application where the CAS-SS, E&IG and CIOG panels cannot be utilised; and
- *ASDEFCON (Standing Offer for Services)*, where the services that could be acquired using *ASDEFCON (Services)* are required on a repeat basis.

For a summary of each of the above templates refer to [Annex A](#). In particular, users should note that *ASDEFCON (Services)* and *ASDEFCON (Standing Offer for Services)* may not be suitable for more complex types of services. This may mean that users will need to significantly tailor these templates (or, in limited cases, create their own bespoke contract). For example, the *ASDEFCON (Support)* or *ASDEFCON (Support Short)* COC could be tailored up or down as required and their SOW replaced with a bespoke SOW setting out the complex services required.

Simple Procurement templates (eg, *Form SP020* and *ASDEFCON (Shortform Goods)*, etc) may be used to acquire non-materiel goods in aid of on-going services (refer to [Step 2A](#)).

Utilising existing Standing Offers / Panels

In accordance with Figure 11, before drafting a new contract and running a procurement process, procurement officers should determine if an existing standing offer or panel arrangement exists that covers the identified need and, if so, make use of that contracting arrangement to acquire the relevant goods or services.

Details and points of contact for existing Defence non-materiel related standing offers and panels can be accessed from the “Defence Procurement and Contracting Standing Offer Panel Portal” on the E&IG website:

<http://drnet.defence.gov.au/DSRG/NEPSOPP/Pages/Home.aspx>

Construction Procurements

The Facilities suite of contracting templates, managed by Infrastructure Division, E&IG, must be used for construction procurements. This suite of templates complies with the *Australian Government Building Code 2013*. The Code sets out requirements to be complied with by building contractors and building industry participants in respect of building work. The Building Code is to be applied to the maximum practicable extent to all building and construction work undertaken for and on behalf of the Australian Government, and to building and construction projects to which the Australian Government has contributed funding, in a manner consistent with the Commonwealth Procurement Rules and the Fair Work Principles. The Building Code 2013 - *Supporting Guidelines* have been developed to assist Funding Entities to understand how the Building Code affects them and their Commonwealth procurement obligations.

The Facilities suite of contracting templates includes the following:

- Head Contract (HC1-2003);
- Managing Contractor Contract (MCC-1-2003);
- Medium Works Contract (MW-2-2004);
- Short Form Minor Works Contract; and
- Design Services Contract (DSC-1-2003).

The Infrastructure Management (IM) Suite of Contracts User Guide, including attachment A – Risk Matrix, should be used to determine the best contract template to use. This decision should be based on which contract is best suited to manage and mitigate the projects risk. For further information refer to:

<http://intranet.defence.gov.au/estatemangement/>

Defence (including CASG) officers should seek advice in the first instance from E&IG in relation to construction procurement needs.

Non-Materiel ICT Procurements

The SourceIT model contracts, managed by the Department of Finance, are designed to cater for the procurement of relatively low risk and low value:

- COTS hardware acquisition and maintenance;
- COTS software licence and support;
- COTS software licence only (not covering support); and
- ICT consultancy services.

Use of the model contracts is strongly encouraged to support establishment of an appropriate agreement between agencies and suppliers for the provision of ICT goods and services. For further information refer to:

<http://www.finance.gov.au/policy-guides-procurement/sourceit-model-contracts/>

The Government Information Technology and Communications version 4 (GITC4) contractual framework enables agencies to 'build a contract' for moderately complex ICT procurements. Refer to:

<http://www.finance.gov.au/archive/gitc/the-framework/>

Defence (including CASG) officers should seek advice in the first instance from Chief Information Officer Group (CIOG) for their ICT procurement needs.

Commonwealth Contract Suite – Non-Materiel Procurements valued at Less than \$200k

The Commonwealth Contract Suite (CCS) is a suite of templates developed and maintained by the Department of Finance aimed at streamlining the way the Commonwealth Government conducts procurements valued under \$200,000 (GST inclusive). Defence staff must use the Department of Finance's Commonwealth Contracting Suite (CCS), unless the procurement has been assessed as exempt from this requirement by applying the Defence specific Commonwealth Contracting Suite Decision Tree available from the Department of Finance website:

<http://drnet.defence.gov.au/DMO/PP/ProcurementPolicy/Pages/CCS%20Implementation.aspx>

This decision tree asks a series of questions that EXEMPTS the use of the CCS for particular types of procurements. A key exemption is for procurements of specialist military goods or services.

The CCS comprises four document suites from which to choose: Goods, Services, Goods and Services, or Consultancy Services. Each document suite comprises: an Approach to Market (ATM), the Response to Approach to Market and the Commonwealth Contract. The four document suites have standard ATM Terms and Contract Terms as well as a Glossary which applies to all of the documents in the suite.

In addition, the CCS also includes the Commonwealth Purchase Order Terms, which is to be used when the purchase order is the contracting mechanism.

For further information on the use of the CCS refer to Chapter 2.3 of the DPPM.

Step 5 – Defence Asset Templates

A total of four ASDEFCON templates have been developed to assist Defence to:

- dispose of a Defence asset; or
- temporarily transfer possession of a Defence asset to an external agency or entity.

The currently available ASDEFCON templates are:

- *ASDEFCON (Loan of Defence Asset)*, used to temporarily transfer a Defence asset to a borrower without payment for use but the payment of a security deposit.
- *ASDEFCON (Hire of Defence Asset)*, used to temporarily transfer a Defence asset to the hirer in return for payment to the Commonwealth.

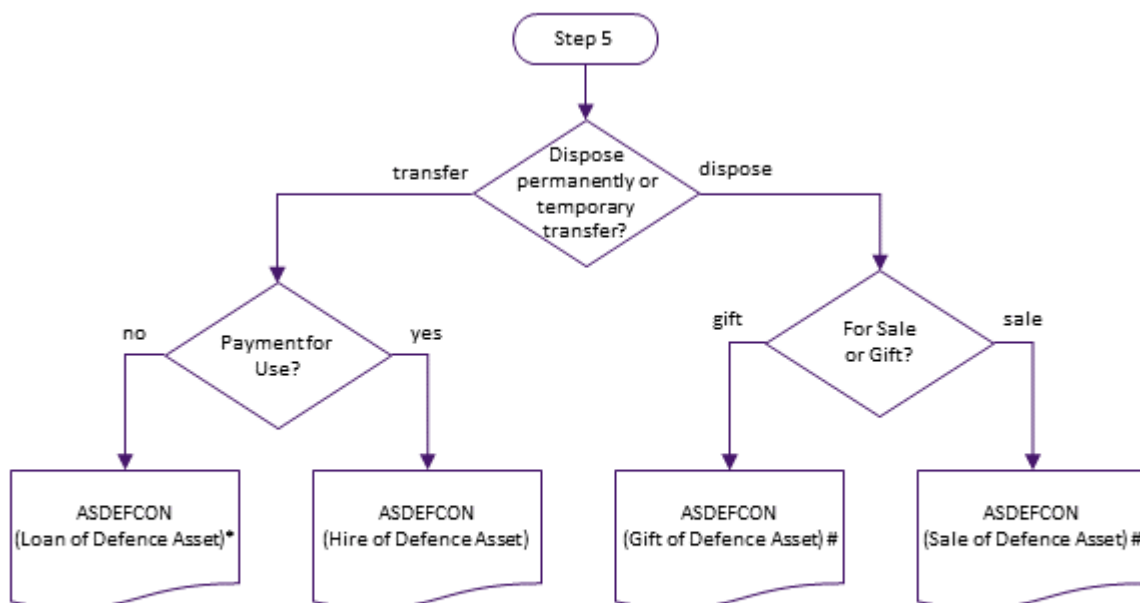
The *ASDEFCON (Sale of Defence Asset)* and *ASDEFCON (Gift of Defence Asset)* templates are no longer available for download.

Instead, contracting or disposal officers requiring a template for the sale or gift of a Defence Asset should contact AMSO@defence.gov.au for assistance in developing an appropriate sale or gift contract.

These templates are to be used and tailored in conjunction with requirements defined by the relevant policy including, when applicable:

- DEFLOGMAN Part 2, Volume 5, Chapter 10, *Defence Disposal Policy*;
- DI(G) LOG 4-3-012, *Hire and Loan of Stores and Equipment to and from sources outside Defence*;
- DEFLOGMAN Part 2, Volume 9, Chapter 1, *Management of Explosive Ordnance*; and
- the *Electronic Supply Chain Manual*.

The Defence asset template selection process is depicted in Figure 12.



* Note: a security deposit required for a loan agreement is not a payment for use.
 # Templates currently unavailable pending replacement – refer to above guidance.

Figure 12: Selection of a Defence Asset Template

A. Summary of ASDEFCON Templates and Sponsored Forms

This annex includes an overview and a brief summary of the ASDEFCON templates and forms sponsored by FAS Commercial / General Counsel CASG. Further information is contained on the [CPP ASDEFCON intranet site](#) and within the handbooks and tailoring guides applicable to individual templates.

Overview of the ASDEFCON Templates and Forms

High-Level Procurement Templates

- ASDEFCON (Strategic Materiel)
- ASDEFCON (Support)
- ASDEFCON (Complex Materiel) Volume 2

Mid-Level Procurement Templates

- ASDEFCON (Support Short)
- ASDEFCON (Complex Materiel) Volume 1
- ASDEFCON (Standing Offer for Goods)
- ASDEFCON (Standing Offer for Services)
- ASDEFCON (Services)

Low-Level Procurement Templates

- ASDEFCON (Standing Offer for Goods and Maintenance Services)
- ASDEFCON (Shortform Goods)
- ASDEFCON (Shortform Services)
- Form SPO20 Purchase Order and Contract
- Form AC565 Request for Quotation

Staged Procurement Templates

- ASDEFCON (Request for Proposal)
- ASDEFCON (Invitation to Register)

Market Sounding Template

- ASDEFCON (Request for Information)

Disposal and Temporary Transfer of Defence Asset Templates

- ASDEFCON (Sale of Defence Asset) (Not currently available)
- ASDEFCON (Gift of Defence Asset) (Not currently available)
- ASDEFCON (Hire of Defence Asset)
- ASDEFCON (Loan of Defence Asset)

ASDEFCON (Standing Offer for Goods), ASDEFCON (Standing Offer for Services) and ASDEFCON (Standing Offer for Goods and Maintenance Services) are the ASDEFCON (Complex Materiel) Volume 1, ASDEFCON (Services) and ASDEFCON (Shortform Goods) templates in a standing offer form respectively.

The COC for the low-level procurement templates are derived from the Simple Procurement *Form SPO20*. Consequently, they do not contain complex commercial provisions including:

- special conditions relating to intellectual property, liquidated damages or financial or other securities; and
- options to change the scope or extend the term of the contract/standing offer.

Form AC565 Request for Quotation and Form SP020 Purchase Order and Contract

The *AC565 Request for Quotation* and *SP020 Purchase Order and Contract for the Supply of Goods and Repair Services* forms include general conditions applicable to Simple Procurements.

The *AC565* and *SP020* forms should be used when undertaking Simple Procurements which are for firm price goods and repair services.

Form SP020 is suitable for the procurement of:

- Goods – off-the-shelf goods comprising equipment (ie, capable of independent operation), spares, materials, consumables, etc; and/or
- Repair Services – being services required on a ‘one-off basis’ for the repair of existing Defence equipment, spares, etc, including the supply of Goods that are incidental to the Repair Services (eg, the replacement of damaged parts and consumables).

ASDEFCON (Shortform Goods)

ASDEFCON (Shortform Goods) is based on *Form SP020*, which contains the standard terms and conditions under which Simple Procurement of goods and repair services is conducted by Defence, but also includes a clause limiting the liability of the supplier.

ASDEFCON (Shortform Goods) should only be used where procurement officers have determined that there is a compelling reason to limit the liability of the supplier and procurement officers have complied with the requirements for limiting the liability of the supplier.

ASDEFCON (Shortform Goods) is suitable for the same range of procurements as the *Form SP020*.

ASDEFCON (Shortform Services)

ASDEFCON (Shortform Services) is based on the *AC565* and *SP020* forms and contains the standard terms and conditions under which Simple Procurement of services is conducted by Defence. For more complex services, *ASDEFCON (Services)* or *ASDEFCON (Standing Offer for Services)* should be used.

ASDEFCON (Shortform Services) is not suitable for the procurement of:

- procurements involving the provision of professional services by professional service providers such as lawyers, accountants or architects, etc;
- specialised trade or repair services;
- consultancy services (other than basic consultancy services); and
- services to be provided by an eminent person (eg, the appointment of a person to conduct an inquiry for Defence, as such persons will generally be appointed under the Eminent Persons Engagement Agreement).

ASDEFCON (Standing Offer for Goods and Maintenance Services)

ASDEFCON (Standing Offer for Goods and Maintenance Services) (“SOGMS”) should be used when establishing a standing offer where goods are to be acquired and/or maintenance services are to be provided on an ‘as required’ basis. It can be used for either or both of these purposes. SOGMS is closely based on the *AC565* and *SP020* forms used for Simple Procurement and includes the necessary additional provisions for these standard terms and conditions to be used under a Deed of Standing Offer. This template is for use at the low end of complexity in relation to both acquisition and support where the risks to technical integrity (ie, safety, fitness for service and environmental compliance) are minimal.

The template is not suitable for:

- design and development activities;
- systems installation or integration; or

- activities on Defence premises.

The template has been drafted for a maximum standing offer period of five years and it does not contain clauses for optional extensions. *ASDEFCON (Standing Offer for Goods and Maintenance Services)* is a simplified standing offer arrangement and has not been designed for use in panel arrangements where multiple parties are required to sign up to a standing offer arrangement. Specialist advice should be sought where multiple suppliers are needed to meet a requirement and a different template, such as *ASDEFCON (Standing Offer for Goods)*, may be required.

ASDEFCON (Standing Offer for Services)

ASDEFCON (Standing Offer for Services) is for use when establishing a standing offer arrangement with a supplier or a panel of suppliers for the engagement of consultants, professional service providers and other contractors to provide services to Defence that are of short to medium duration. This template is based on *ASDEFCON (Services)* and includes the necessary additional provisions for these standard terms and conditions to be used under a Deed of Standing Offer. Standing offer arrangements are appropriate where the Commonwealth has an ongoing requirement for services to be delivered on an 'as required' basis.

While the template is designed to be tailorable with respect to the length of the standing offer period, it has been drafted on the basis that each standing offer would generally be in place for three years, with an option for two additional 12-month extensions.

ASDEFCON (Standing Offer for Goods)

ASDEFCON (Standing Offer for Goods) is for use when establishing a standing offer arrangement with a supplier or a panel of suppliers for off-the-shelf procurements of goods. This template is based on *ASDEFCON (Complex Materiel) Volume 1* and includes the necessary additional provisions for these standard terms and conditions to be used under a Deed of Standing Offer. Standing offer arrangements are appropriate where the Commonwealth has an ongoing requirement for off-the-shelf supplies to be delivered on an 'as required' basis, including spare parts; consumables; and food supplies. It should not be used to acquire spare parts for equipment required as part of a project that has established its own arrangements for the acquisition of spare parts. This template is not suitable for procuring services or software.

While the template is designed to be tailorable with respect to the length of the standing offer period, it has been drafted on the basis that each standing offer would generally be in place for three years, with an option for two additional 12-month extensions.

ASDEFCON (Services)

ASDEFCON (Services) is designed to be used to engage consultants, professional service providers and other contractors to provide services to Defence (where there are no suitable Panel arrangements in place). The template is to be used where the services to be procured are of short to medium duration. This template is not suitable for procuring goods or software, or more complex types of services with significant management and performance arrangements and/or non-labour elements (eg, garrison support; transportation arrangements for the movement of Defence personnel and equipment by rail, road, sea and air; the provision of maritime related services such as tug services, submarine rescue, weapons recovery etc; or health services).

ASDEFCON (Services) includes management of GFM, accounting for CMCA, and other provisions making it suitable for the procurement of services supporting materiel as well as non-materiel procurements.

ASDEFCON (Complex Materiel) Volume 1

ASDEFCON (Complex Materiel) Volume 1 is designed to be used for procurements with low technical risk that have no significant design and development activity. Supplies are non-developmental, or

incorporate standard manufacturer options, or need a minor development activity to meet Commonwealth requirements but the associated technical risk is so low that the cost of implementing a rigorous system to provide Commonwealth insight is not justified. The supplies may be installed, tested on-site and some training for the operation and maintenance of the supplies may be provided.

Where it is expected that any resultant contract will be of higher technical risk or take longer than two years to complete, additional issues will need to be considered and *ASDEFCON (Complex Materiel) Volume 1* may need to be scaled up or consideration given to using *ASDEFCON (Complex Materiel) Volume 2*.

This template would need to be scaled up for the following situations:

- the contract will not be completed within two years;
- the intellectual property rights needed are rights to modify, develop or manufacture the supplies;
- additional payments as incentives for contractor performance are required;
- a financial security over the contractor's performance is required;
- any damages for delay in delivery will be pre-agreed and specified in the contract;
- configuration detail to a greater extent than is provided by item identification details included in the contract Price and Delivery Schedule or within data included for delivery, is required;
- Quality Assurance will require the contractor to provide a Quality Plan and system that specifically addresses the contract;
- Verification of the Supplies (to assure compliance with the contract, and their quality) will be required at times other than source selection and contract negotiation, or at Final Inspection and Test;
- the contractor will need to be involved in validation of the supplies; or
- additional contract management mechanisms, other than periodic contractor Contract Status Reports and the holding of Extraordinary Meetings, will be needed.

ASDEFCON (Complex Materiel) Volume 2

ASDEFCON (Complex Materiel) Volume 2 is designed to be used for procurements with medium technical risk involving design, development and integration which do not justify the use of *ASDEFCON (Strategic Materiel)*.

Template users should also note that this template includes DIDs from other ASDEFCON templates and these are already packaged in the template download pack. In addition, template users should note the GFF Licence, which may be required to be used in conjunction with the template.

This template is not appropriate for those procurements that align to the following criteria:

- extensive software development will be undertaken;
- there are complex system or system-of-systems integration requirements; or
- parts of the mission system(s) or ICT systems will be highly developmental.

ASDEFCON (Strategic Materiel)

ASDEFCON (Strategic Materiel), and in particular the SOW, has been developed primarily for the acquisition of large-scale design, development and integration projects and/or software intensive systems with complex integration or highly developmental requirements which may include major platforms. These projects typically involve the acquisition of new systems (eg, platforms, vehicles or complex electronic systems) once initial analysis has determined that no off-the-shelf solutions exist or are suitable, or major development-based modernisation programs for existing systems (eg, mid-life upgrade). The technical complexity of these programs involves a high-to-very high risk, as it may

incorporate evolving technology into the design, be software-intensive, and require complex systems-integration or 'system-of-systems' integration. In a typical project a prime contractor would combine modern communications, combat systems and sensors into a platform with components sourced from many suppliers, and a large CASG project team would be required to maintain visibility across the full scope of contractor activity.

Template users should also note that this template includes DIDs from other ASDEFCON templates and MSR Checklists, and these are already packaged in the template download pack. In addition, template users should note the GFF Licence, which may be required to be used in conjunction with the template.

ASDEFCON (Support)

ASDEFCON (Support) is designed for the provision of in-service support services for Defence materiel systems. It is suitable for platform-level support or support for major sub-systems where significant Commonwealth visibility and technical regulation is required, and for complex Services, such as the development of major configuration changes, software maintenance, and overall inventory management. This template incorporates a full PPBC approach to achieving outcomes for Defence.

ASDEFCON (Support) has been developed for use in Maritime, Land, Aerospace and Electronic support environments. To meet the varying complexities that apply in the support environments the template, especially the SOW and the DSDs, which are modular parts of the SOW, have been designed for tailoring.

Template users should also note that this template includes DIDs from other ASDEFCON templates and these are already packaged in the template download pack. In addition, template users should note the GFF Licence, which may be required to be used in conjunction with the template when work will be performed on Commonwealth Premises on a permanent basis.

An optional Contractor Standing Capability module, included within the template, enables many engineering and similar S&Q Services to be performed by a standing team of personnel. The Aerospace module, provided by the Director General Technical Airworthiness, defines additional work requirements applicable to the aerospace technical regulatory environment.

ASDEFCON (Support Short)

The *ASDEFCON (Support Short)* template has been designed for the support of subsystems and equipment, with reduced depth and without the more demanding governance requirements of the *ASDEFCON (Support)* template.

The template is not suitable for:

- work performed on Commonwealth premises;
- platform-level support or support for major sub-systems where significant Commonwealth visibility and technical regulation is required;
- complex Services, such as the development of major configuration changes, software maintenance, and overall inventory management; and
- where the overall scale of support requires separate management effort (plans, reporting and reviews) to be dedicated to different key Services.

A PBC module may also be used with the *ASDEFCON (Support Short)* template. This module assesses performance in relation to transactional activities not the overall outcomes for Defence (in contrast to *ASDEFCON (Support)*).

ASDEFCON Linkages Modules

The purpose of the *ASDEFCON Linkages Modules* is to link together draft contracts for acquisition and support, which have been prepared using ASDEFCON templates, so that they can be released under a

single RFT. This is achieved using a single COT template and with a consolidated set of Tender Data Requirements. The *ASDEFCON Linkages Modules* provide amendment instructions for the relevant ASDEFCON templates for the conditions of contract, statement of work and any other contract attachments which require amendment.

Eminent Persons Engagement Agreement

The *Eminent Persons Engagement Agreement* is available exclusively for use in connection with the engagement of high profile individuals to undertake specific strategic level type tasks on behalf of CASG / Defence. These tasks could include the appointment of the individual to a governance committee or to conduct an enquiry or other corporate level review. It is expected that engagements at this level will be infrequent and, when they occur, coordinated and approved by a member of CASG Executive. CASG Officers who believe they have a requirement for which this template may be suitable, should contact General Counsel CASG for advice on whether the template is suitable for their specific purpose and, if so, a copy of the template.

ASDEFCON (Request For Information)

This template has been developed for use primarily by MCE Projects when seeking information from industry during the (generally) pre First Pass Approval stage of the capability development process. However, the template can also be used any time information is required from industry before progressing to a formal procurement process. The RFI is used to obtain information to support analyses, risk assessments and the development of the ASIS and a business case that may, or may not, result in a procurement (therefore it is not part of a formal procurement process and not subject to the CPRs).

ASDEFCON (Request For Information) should be used to prepare an RFI in order to gather information from the market on a wide range of matters, including to assist Defence:

- identify and refine potential capability options / solutions, relevant technologies and technical risks;
- understand industry capabilities and relevant constraints; and
- obtain 'rough order of magnitude' costs and high level schedule information required to support First Pass Approval.

For further information refer to the "*Guidance on use of ASDEFCON (Request For Information)*" contained within the set of template files to be downloaded.

ASDEFCON (Invitation to Register)

This template should be used to seek expressions of interest from industry as to their willingness and capacity to participate in a procurement process to fulfil a known Defence requirement.

ASDEFCON (Invitation to Register) should be used:

- as part of a staged procurement to break the procurement process into more manageable parts and refine the market testing process;
- to establish if respondents have the technical, managerial and financial capacity to satisfy the requirement;
- to reduce the time spent by the Commonwealth in evaluating a large number of very complex and detailed tender responses;
- to allow prospective suppliers sufficient time to explore licensing requirements and establish their team and any subcontracts; and
- to allow prospective suppliers sufficient time to undergo any security requirements before the release of a classified Request for Proposal or RFT.

This template should not be used where there is no benefit from using a staged procurement process or where Defence does not know the basic solution it wishes to use to resolve a problem or achieve a particular outcome, in which case ASDEFCON (Request for Proposal) should be used instead.

ASDEFCON (Request For Proposal)

ASDEFCON (Request for Proposal) should be used to encourage suppliers to propose innovative solutions to achieve a desired outcome or resolve a specific problem. It seeks information from prospective suppliers about their capacities to ascertain what solutions exist to meet problems or needs.

Specifically, the *ASDEFCON (Request for Proposal)* aims to:

- as part of a staged procurement to break the procurement process into more manageable parts and refine the market testing process;
- determine a preferred solution to an identified requirement;
- encourage suppliers to propose solutions, whether innovative or not, to meet the requirement and by doing so enable the Commonwealth to assess the range of options available in order to release a Request for Tender or other procurement process (eg; a project definition study); and
- lead to better outcomes for the Australian Defence Force.

This template should not be used where there is no benefit from using a staged procurement process or Defence knows the basic solution it wishes to use to resolve a problem or achieve a particular outcome, but needs to either qualify potential suppliers or create a shortlist in which case *ASDEFCON (Invitation to Register)* should be used instead.

ASDEFCON (Hire of Defence Asset)

The *ASDEFCON (Hire of Defence Asset)* is designed for use when the Commonwealth agrees to provide a Defence Asset to the hirer in return for a payment to the Commonwealth for the use of that Defence Asset. This template is to be used in conjunction with the policy requirements defined in DI(G)LOG 4-3-012, *Hire and Loan of Stores and Equipment to and from sources outside Defence*.

ASDEFCON (Loan of Defence Asset)

The *ASDEFCON (Loan of Defence Asset)* is designed for use when the Commonwealth agrees to provide a Defence Asset to the borrower without the payment of money, but with the payment of a security deposit. This template is to be used in conjunction with the policy requirements defined in DI(G)LOG 4-3-012, *Hire and Loan of Stores and Equipment to and from sources outside Defence*.

ASDEFCON (Sale of Defence Asset) and ASDEFCON (Gift of Defence Asset)

The *ASDEFCON (Sale of Defence Asset)* ("Sale") and *ASDEFCON (Gift of Defence Asset)* ("Gift") templates were developed in 2010 for straightforward, low risk disposals of Defence Assets. To ensure that the Sale and Gift templates are not used for the increasing number of major disposals, these templates are no longer available for download. They will be replaced by new versions as soon as possible.

B. Procurement Connected Policies Affecting ASDEFCON RFQ/RFT Templates

The following table lists relevant procurement connected policies that apply to ASDEFCON RFQ/RFT templates.¹⁰ The table indicates the relevant threshold for each procurement connected policy and those templates that do not include the optional clauses for the procurement connected policy because it is considered that the template would rarely be used above the thresholds. In the event that a template is used for a procurement activity above an identified threshold, then drafters would need to include the relevant clauses for that procurement connected policy by copying them from a higher level template. All monetary thresholds identified are in Australian dollars and inclusive of GST.

Threshold	Policy	RFQ/RFT Templates that do NOT have the Policy clauses built in	Owner	Respondent/Tenderer Requirements
At or above the relevant Procurement Threshold ^[1]	Workplace Gender Equality Procurement Principles	<ul style="list-style-type: none"> All templates include appropriate provisions to incorporate this policy 	Workplace Gender Equality Agency	<ul style="list-style-type: none"> Comply with the <i>Workplace Gender Equality Act 2012</i>. Submit a letter of compliance where appropriate.
\$7.5 million and above ^[2]	Indigenous Procurement Policy Mandatory Minimum Requirements	<ul style="list-style-type: none"> <i>ASDEFCON (Shortform Services)</i> <i>ASDEFCON (Standing Offer for Goods and Maintenance Services)</i> <i>ASDEFCON (Standing Offer for Services)</i> <i>ASDEFCON (Services)</i> <i>ASDEFCON (Support Short)</i> <i>ASDEFCON (Support)</i> 	Department of Prime Minister and Cabinet	<ul style="list-style-type: none"> Develop and implement an <i>Indigenous Participation Plan</i>. Comply with reporting requirements.
\$20m and above or the procurement impacts a Priority Industry Capability	Australian Industry Capability	<ul style="list-style-type: none"> <i>Form AC565</i> <i>Form SP020</i> <i>ASDEFCON (Shortform Goods)</i> 	Defence	<ul style="list-style-type: none"> Submit an AIC Plan. Costed Australian option for work related to a PIC.

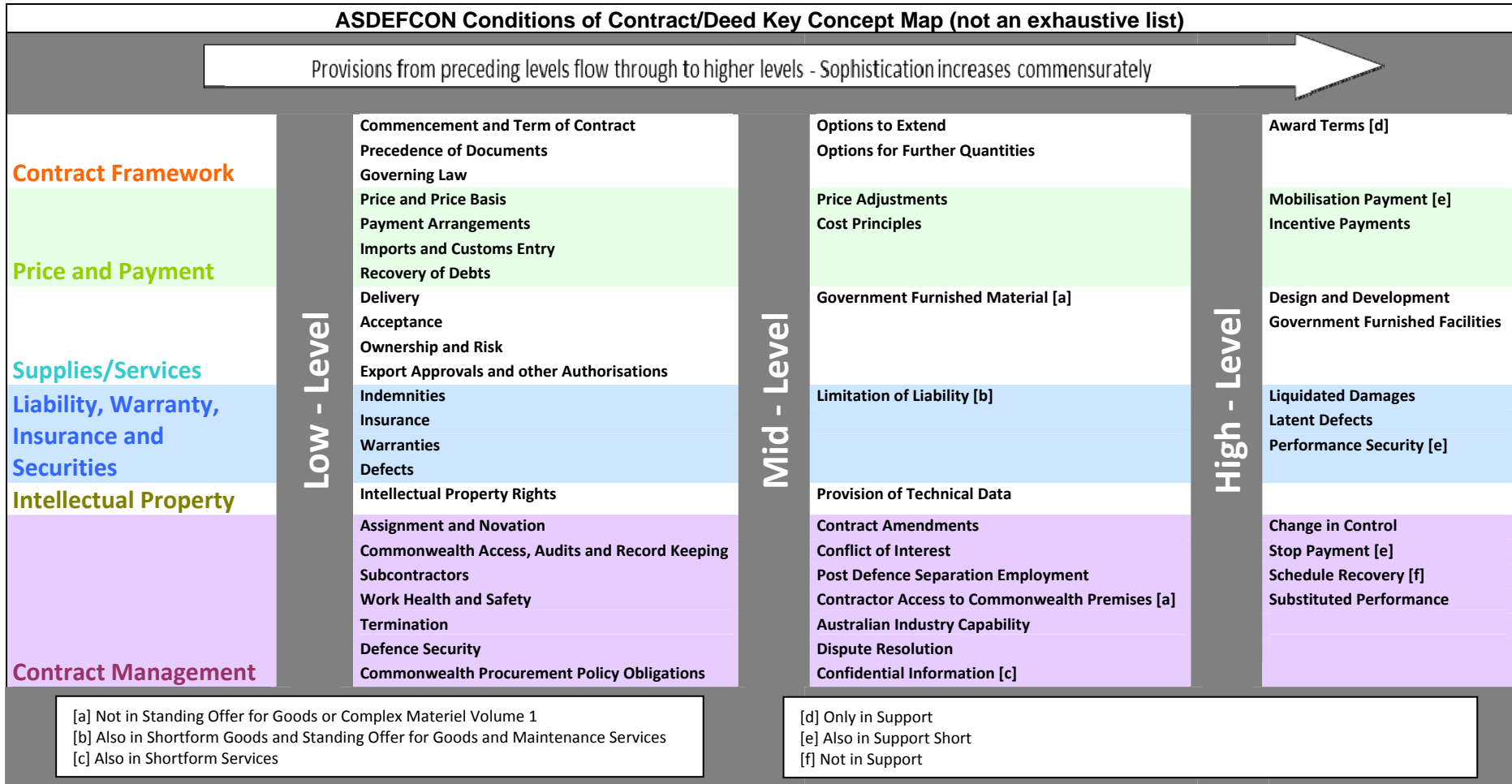
¹⁰ Note that the *Australian Government Building Code 2013* procurement connected policy is not included in the table because the Facilities suite of contracting templates, managed by Infrastructure Division, E&IG, must be used for construction procurements (refer to [Step 4](#)).

Threshold	Policy	RFQ/RFT Templates that do NOT have the Policy clauses built in	Owner	Respondent/Tenderer Requirements
		<ul style="list-style-type: none"> • <i>ASDEFCON (Shortform Services)</i> • <i>ASDEFCON (Standing Offer for Goods and Maintenance Services)</i> • <i>ASDEFCON (Standing Offer for Goods)</i> • <i>ASDEFCON (Standing Offer for Services)</i> • <i>ASDEFCON (Services)</i> • <i>ASDEFCON (Complex Materiel) Volume 1</i> 		

Notes: [1] This policy is excluded from procurements that meet the exemptions set out at Appendix A to the CPRs.

[2] And more than half the value of the procurement involves the provision of **services** in a relevant industry sector, and the procurement is not subject to paragraph 2.6 of the CPRs. Note that because the Indigenous Procurement Policy Mandatory Minimum Requirements only applies to services, ASDEFCON acquisition templates do not include the clauses.

C. ASDEFCON Conditions of Contract / Deed Key Concept Map



Low-level: SP020, Shortform Goods, Shortform Services, Standing Offer for Goods and Maintenance Services templates. (Note: the COCs for this level of template are derived from the SP020. For example, Shortform Goods is the SP020 but with the addition of a limitation of liability clause, and Standing Offer for Goods and Maintenance Services is the Shortform Goods template in a standing offer form.)

Mid-level: Services, Standing Offer for Services, Standing Offer for Goods, Complex Materiel Volume 1, Support Short. (Note: Standing Offer for Goods and Standing Offer for Services templates are the Complex Materiel Volume 1 and Services templates in a standing offer form, respectively.)

High-level: Support, Strategic Materiel, Complex Materiel Volume 2.

D. Acronyms and Abbreviations

The following table lists and defines the acronyms and abbreviations used in this guide.

Term	Definition
ACI	ASDEFCON and Contracting Initiatives
AIC	Australian Industry Capability
ASDEFCON	Australian Standard for Defence Contracting
ASIS	Acquisition and Support Implementation Strategy
CASG	Capability Acquisition and Sustainment Group
CAS-SS	Capability Acquisition and Sustainment – Support Services
CIOG	Chief Information Officer Group
COC	Conditions of Contract
COT	Conditions Of Tender
COTS	Commercial Off The Shelf
CPP	Commercial Policy and Practice Directorate
CPRs	Commonwealth Procurement Rules
DEFMAT	Defence Materiel
DID	Data item Description
DMO	Defence Materiel Organisation
DOR	Description of Requirement
DPPM	Defence Procurement Policy Manual
DSD	Detailed Service Description
E&IG	Estate and Infrastructure Group
EOI	Expression Of Interest
FPS	Function and Performance Specification
GFF	Government Furnished Facilities
GFM	Government Furnished Material
ICT	Information and Communications Technology
ILS	Integrated Logistic Support
IV&V	Independent V&V
LSMUL	Legal Services Multi-Use List
MCE	Major Capital Equipment
MILIS	Military Integrated Logistics

Term	Definition
	Information System
MINCE	Minor Capital Equipment
MPB	Materiel Procurement Branch
NMP	Non-Materiel Procurement
OCD	Operational Concept Document
OD	Operative Date
PBC	Performance Based Contract
PPBC	Productivity and Performance Based Contract
RFI	Request For Information
RFP	Request For Proposal
RFQ	Request For Quote
RFQTS	Request For Quote and Task Statement
RI	Repairable Item
ROMAN	Resource & Output Management & Accounting Network
S&Q	Survey and Quote
SAA	System Acceptance Audit
SE	Systems Engineering
SOGMS	Standing Offer for Goods and Maintenance Services
SOW	Statement of Work
SPO	System Program Office
SPS	Support Procurement Strategy
SSCC	Support System Constituent Capability
V&V	Verification and Validation
VCDF	Vice Chief of the Defence Force
WHS	Work Health and Safety
WoAG	Whole of Australian Government

E. Getting Support

This annex lists various resources for accessing the ASDEFCON templates and related advice.

Online Resources

The ACI ASDEFCON website

<http://drnet.defence.gov.au/DMO/PP/ASDEFCONandContracting/ASDEFCON/Pages/ASDEFCON.aspx>

provides access to the following ASDEFCON resources:

- ASDEFCON Templates;
- Standard Assets (ie, DIDs and MSR Checklists for the templates);
- Handbooks and Tailoring Guides (included on the applicable template's web page);
- Legacy contracting documents (ie, earlier versions of ASDEFCON templates and handbooks); and
- the ASDEFCON toolbar for Microsoft Word®.

Further information on the ASDEFCON SOWs, related SOW Handbooks and tailoring guides, and training materials is available on the following website

<http://drnet.defence.gov.au/DMO/SO/FunctionalDirectorates/AcquisitionSustainmentTechnicalPolicy/ASDEFCONSOWPolicy/pages/ASDEFCON%20SOW%20Policy.aspx>.

Other general resources available on the DRN include:

- DPPM
<http://drnet.defence.gov.au/DMO/PP/ProcurementPolicy/DPPM/Pages/DPPM.aspx>
- Better Practice Guides
<http://drnet.defence.gov.au/DMO/PP/ProcurementPolicy/Pages/Better%20Practice%20Guides.aspx>

Contracting Officers

PCSB provide advice and assistance to CASG procurement teams with officers located throughout CASG. Contact details are available from the PCSB website

<http://drnet.defence.gov.au/DMO/PCSB/Pages/Welcome.aspx>.

Defence personnel should seek advice from their relevant contracting areas for non-materiel procurements, including for Non-Materiel Procurement advice from Estate and Infrastructure Group (E&IG) and Information and Communications Technology (ICT) related advice from Chief Information Officer Group (CIOG).

Help Desks

For help related to commercial aspects of the ASDEFCON templates (ie, the COT and COC components) contact the ACI help desk via e-mail at: procurement.ASDEFCON@defence.gov.au.

For help on technical aspects of ASDEFCON (ie, the SOW and related components), contact the SOW help desk via e-mail at: ASDEFCONSOW.Support@defence.gov.au.

Specialist advice regarding contractor performance management using a PPBC is available from the Performance Based Contracting Centre of Excellence via e-mail at: PBC.Enquiry@defence.gov.au.

Specialist advice regarding WHS requirements in contracts and deeds is available from the Work Health and Safety Procurement Advisory Cell via e-mail at: [mailto: WHS.PCSB@defence.gov.au](mailto:WHS.PCSB@defence.gov.au).

Training

Training for ASDEFCON is available through the following courses:

- ASDEFCON Foundations
- ASDEFCON (Complex Materiel) Volume 1

- ASDEFCON (Support Short)
- ASDEFCON (Support)
- ASDEFCON (Complex Materiel) Volume 2 (ad hoc courses)
- ASDEFCON (Strategic Materiel) (ad hoc courses)

Training related to contracting in general is available through the Contract Risk Module courses:

- Module 1 - Limitations of Liability, Indemnities, Insurance and Warranties
- Module 2 - Intellectual Property
- Module 3 - Liquidated Damages, Contract Change Proposals, Managing Contractor Relations and Contract Schedules
- Module 4 – Securities, Estoppel and Waiver, Exports and Imports, and Government Furnished Elements
- Module 5 - Contract Drafting

For information on the above training courses, refer to the CAS Institute website

<http://drnet.defence.gov.au/dmo/Institute/Pages/About%20the%20DMO%20Institute.aspx>.

Training workshops are available for *ASDEFCON (Strategic Materiel)*, *ASDEFCON (Complex Materiel) Volume 2* and *ASDEFCON (Support)*. These workshops are tailored for individual procurement teams for their particular procurement activity. For further information, contact the SOW help desk via e-mail at: ASDEFCONSOW.Support@defence.gov.au.